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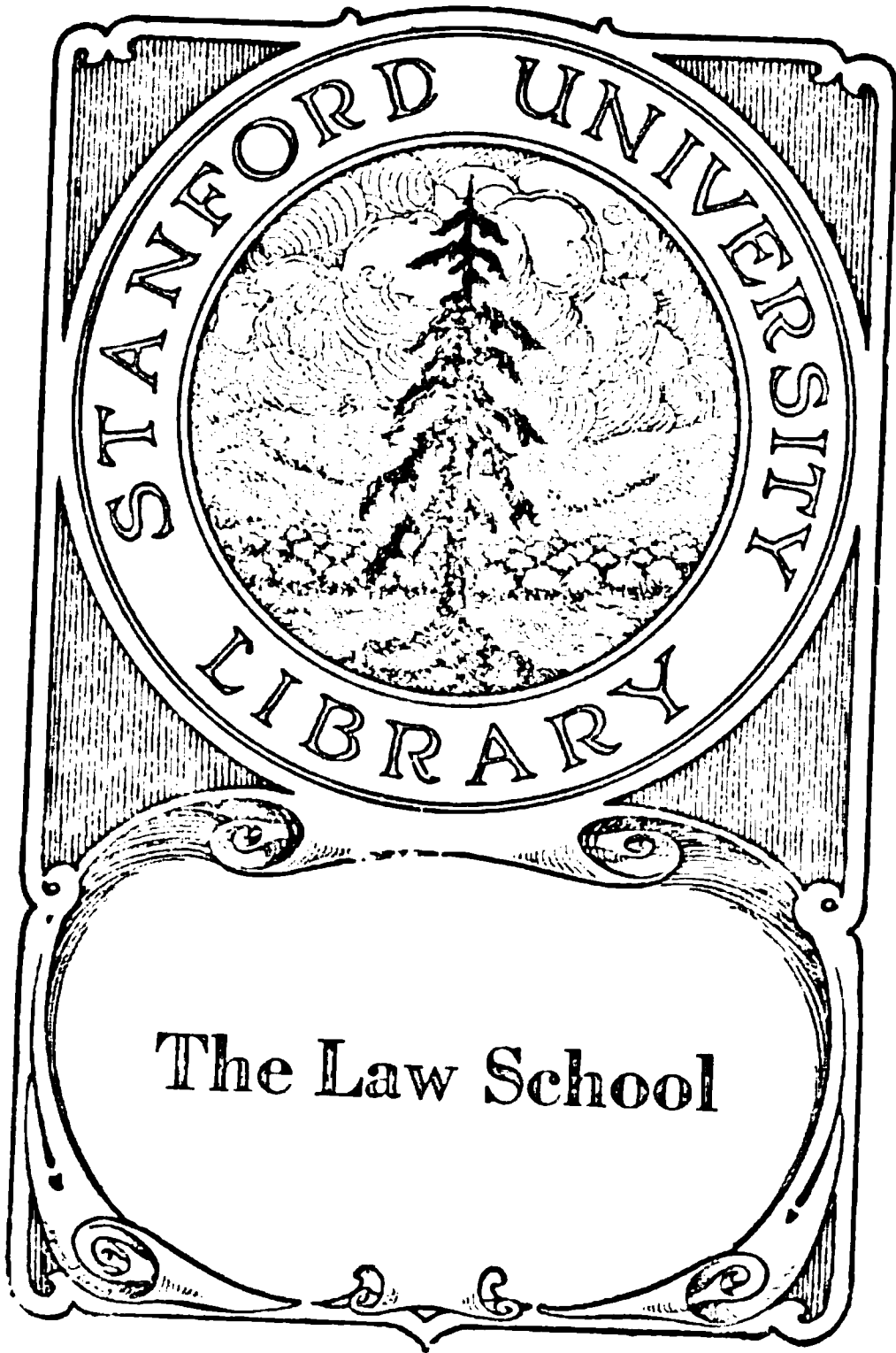
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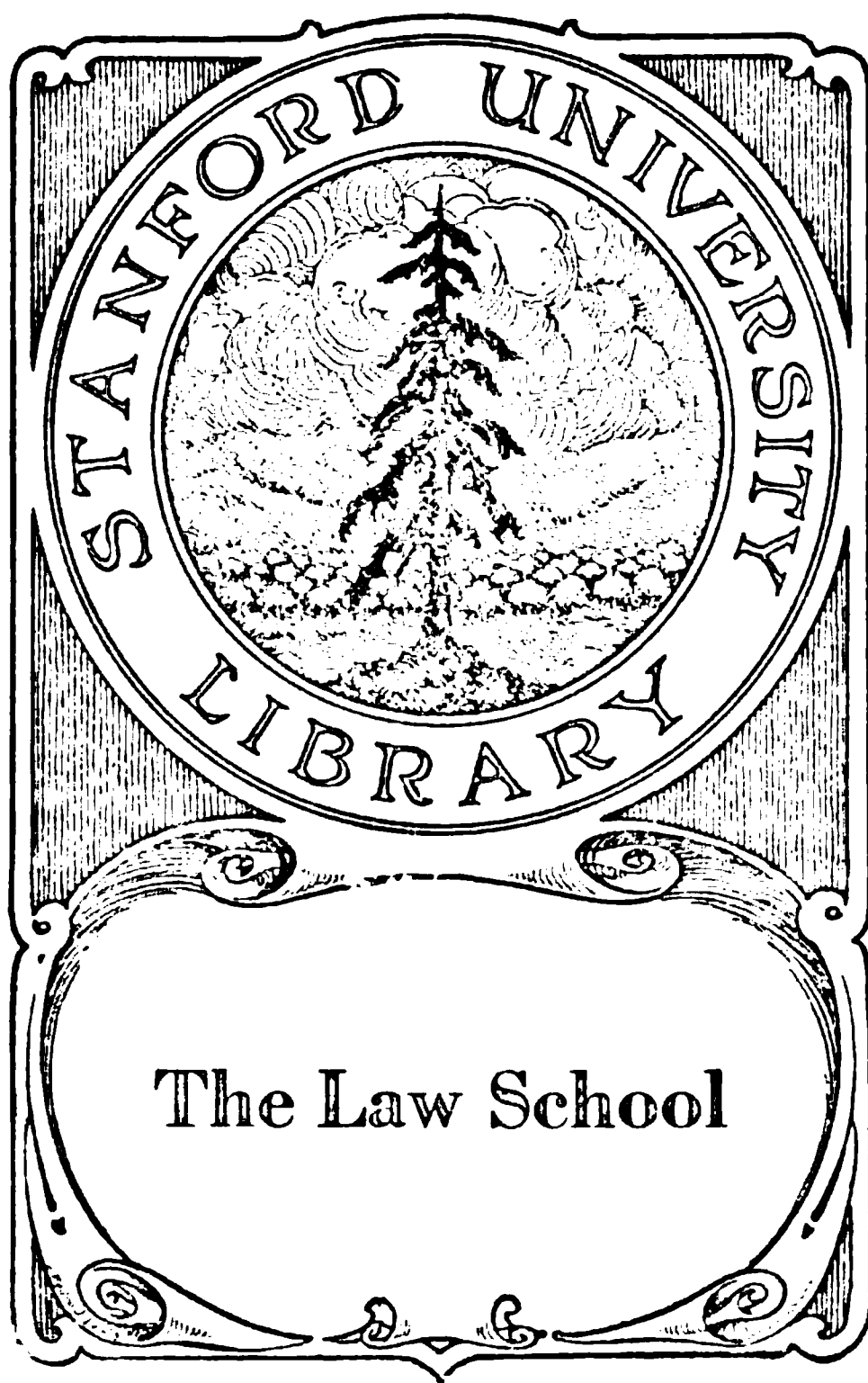
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Laws of Tennessee
...1899...

1 LAWS

ACTS
OF THE
STATE OF TENNESSEE
//

PASSED BY THE
Fifty-First General Assembly,

—1899—

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PUBLIC ACTS
OF THE
GENERAL ASSEMBLY OF THE STATE OF TENNESSEE
PASSED BY THE
FIFTY-FIRST GENERAL ASSEMBLY,

Which was begun and held at the Capitol, in the city of Nashville,
on the first Monday in January, in the year of our Lord
One Thousand Eight Hundred and Ninety-nine.

CHAPTER 1.

HOUSE BILL No. 400.

AN ACT to amend chapter 192 of the Acts of 1895,
entitled "An act to prevent the attachment or
garnishment of future salary or wages of any em-
ploye."

Section 1. Be it enacted by the General Assembly
of the State of Tennessee, That section 1 of chapter
192, on page 388 of the published acts of Assembly
of 1895, entitled "An act to prevent the attachment
or garnishment of future salary or wages of any em-
ploye," be, and the same is hereby, so amended as to
strike out the word "due" in the sixth line of said
section one, and to substitute therefor the word
"earned."

Sec. 2. Be it further enacted, That this act take
effect from and after its passage, the public welfare
requiring it.

Passed March 3, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Returned by the Governor unsigned, the time for
publication of same having expired.

March 24, 1899.

REAU E. FOLK,
Clerk House of Representatives.

CHAPTER 2.

SENATE BILL No. 6.

AN ACT to be entitled "An act to fix the fees to be charged in the office of the secretary of state."

Secretary of
state's fees.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That from and after the passage of this act, the following fees shall be charged in the office of the secretary of state, to wit:

For commission of each notary public, \$3.00.

For commission of each commissioner of deeds, \$10.00.

For commission of each appointee of the governor, \$5.00.

For each requisition, \$5.00.

For each warrant on a requisition, \$3.00.

For granting and recording each domestic charter of incorporation having a capital stock, \$10.00.

For each certified copy of a domestic charter of incorporation, \$10.00.

For each certified copy of a foreign charter of incorporation, \$20.00.

For each abstract of charter of a foreign charter of incorporation, \$20.00.

For filing each charter of a foreign corporation, \$20.00.

For attaching the great seal to any document (except those herein named and pardons), \$2.00.

For filing articles of consolidation of corporations (in addition to tax), \$25.00.

For filing other articles of agreement between corporations, \$25.00.

For each charter or certificate of a municipal corporation, \$50.00.

Non-commercial
charters.

Sec. 2. Be it further enacted, That on every charter of incorporation granted for the general welfare of society, and not for individual profit, except charters granted for purely religious or educational purposes, there shall be charged in said office a fee of twenty-five (\$25) dollars.

Sec. 3. Be it further enacted, That this act shall **Exceptions.** not apply to commissions of justices of the peace, judges, or chancellors, nor to the commissions, certificates of election, or appointment of any other constitutional officer, nor to the commissions or certificates of appointment of any officer who shall serve without compensation.

Sec. 4. Be it further enacted, That this act shall not be construed as repealing any charge made in said office under existing laws for any service not specified herein.

Sec. 5. Be it further enacted, That this act shall not be construed as amending or repealing any existing law under which the fees paid in the office of the secretary of state become revenue.

Sec. 6. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed January 20, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.
Approved February 25, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 3.

HOUSE BILL No. 38.

AN ACT to protect game birds in Marshall, Rutherford, and Montgomery counties, and provide penalty for violation of same.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That it shall be a misdemeanor for any person to hunt, capture, kill, shoot, and, or destroy any quail or partridge in the county of Marshall, Rutherford, and Montgomery from 15th day of February to the 15th day of November inclusive, of each and every year. **When misdemeanor to kill quail, etc.**

Misdemeanor
to trespass.

Sec. 2. Be it further enacted, That it shall be a misdemeanor for any person to hunt, capture, kill, shoot, wound, or destroy any quail or partridge on the land of another unless written permission of the owner thereof is first had and obtained.

Penalties.

Sec. 3. Be it further enacted, That any person violating the provisions of the above section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than (\$10) ten dollars and not more than (\$50) fifty dollars, or imprisonment in the county jail for not more than sixty days at the discretion of the court, and the grand jury shall have inquisitorial power to enforce this act.

Sec. 4. Be it further enacted, That all laws and parts of laws in conflict with this act be, and the same are hereby, repealed, and that this act take effect from and after its passage, the public welfare requiring it.

Passed March 2, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved March 17, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 4.

SENATE BILL No. 114.

AN ACT to amend an act entitled "An act to provide for the creation and organization and defining the powers of municipal corporations embracing territories of cities having a population of 36,000 and upwards, according to the federal census of 1880, whose charters have been abolished, being chapter 114 of the Acts of 1883, so as to authorize the board of public works of such cities to enter into such contracts with respect to sprinkling turn-pikes and other roads leading from such cities to adjacent or nearby cemeteries.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the board of public works of cities mentioned in chapter 114, of the Acts of 1883, entitled "An act to provide for the creation and organization and defining the powers of municipal corporations, embracing territories of cities having a population of 36,000 and upwards, according to the federal census of 1880, whose charters have been abolished," are hereby authorized and empowered, for and on behalf of the city in which they hold their office, to make such contracts or provide such means whereby one street, turnpike, or road leading to any ceding section be, and they are hereby, amended so porate limits of such city, may be sprinkled and otherwise prepared so that the same may be kept free of dust, for the convenience of citizens of such municipal corporations, in coming to and from such cemetery cemeteries.

Sprinkling of
certain turn-
pikes.

2. Be it further enacted, . That the charter of such corporations as are mentioned in the preceding section be, and they are hereby, amended so as to embrace within their powers, the power herein

conferred, and that this act take effect from and after its passage, the public welfare requiring it.

Passed February 28, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.
Approved March 2, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 5.

HOUSE BILL No. 50.

AN ACT to amend chapter 230 of the Acts of 1883 (it being an act to make the keeping or conducting of halls or houses for the conduct of certain games of chance a felony), by including the game of craps in said law.

"Shooting
craps" a fel-
ony.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That section 1 of chapter 230 of the Acts of the General Assembly for the year 1883, be, and the same is hereby, amended by inserting the word "craps" between the word "keno," and the word "faro," in said section.

Sec. 2. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed February 25, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved March 2, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 6.

HOUSE BILL No. 217.

AN ACT to be entitled an act to require the commissioner of agriculture to pay into the office of state treasurer all fees collected by him, or coming through his office, and to require the treasurer to pay out of said fees all appropriations made for said commissioner of agriculture or his office.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That hereafter all the fees collected by the commissioner of agriculture, or coming through his office, shall be paid by him into the office of the state treasurer, and that said treasurer shall keep a separate and accurate account of the same.

Fees of commissioner of agriculture paid state treasurer.

Sec. 2. Be it further enacted, That all appropriations made and provided for the use of the office of commissioner of agriculture, including his salary, the salary of his assistants, and all other expenses of the office, shall be paid by the state treasurer on vouchers from the commissioner of agriculture, and shall be charged to the fund kept by the treasurer for this purpose, and an accurate account of the expenses and appropriations of this office shall be kept both by the treasurer and the commissioner of agriculture.

Salaries, etc., of commissioner, how paid.

Sec. 3. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed February 23, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.
Approved February 27, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 7.

HOUSE BILL No. 94.

AN ACT to regulate the payment of jurors.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That hereafter it shall be the duty of the judge or chairman of the county court of each county in the state to issue his warrant in payment of jury service every thirty days, for the full amount due up to that time, to each member of the regular jury, grand or petit, in all cases when the term of the court which said jurors are attending extends beyond thirty days in length.

Sec. 2. Be it further enacted, That this law take effect from and after its passage, the public welfare requiring it.

Passed February 23, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved February 27, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 8.

HOUSE BILL No. 296.

AN ACT to create a sinking fund for the liquidation and retirement of the funded debt of the State of Tennessee, and to provide for the custody, control, use, application and disbursement thereof.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That for the purpose of providing means for the liquidation and retirement of the funded debt of the state, a sinking fund is hereby created, into which shall be paid, commencing on

Sinking fund
created.

the first day of January, A. D. 1900, ten per centum of all taxes, revenues and collections from all sources, received by, and coming into the treasury of the state; Provided, That in this computation none of the receipts from the penitentiary shall be included; the state treasurer shall, at the end of each month, out of said taxes, revenues and collections, except those from the penitentiary, received during said month, deduct ten per centum from the aggregate thereof, and deposit the same in one or more of the state's depositories, to the account of sinking fund; and he shall open and keep on his books, in his office an account designated "Sinking Fund Account," which shall show accurately and specifically all payments made into and all disbursements made out of said sinking fund; and no disbursement out of said sinking fund shall be made for any purpose except as hereinafter directed.

"Sinking fund account."

Sec. 2. Be it further enacted, That the moneys paid into the sinking fund as aforesaid, shall be used and employed only and exclusively for the purchase, retirement or payment of any outstanding bonds of the State of Tennessee subject to call. At the end of each quarter or period of three months, the Funding Board, with the accumulation of money in the said sinking fund, shall buy any of the outstanding bonds of the state at the lowest price at which they are offered or can be obtained, not exceeding par and accumulated interest; and in the event the funding board shall be unable to buy said bonds at less than par, as herein authorized, it shall call as many of said bonds as there are funds on hand sufficient to pay the principal and accrued interest thereof. Said bonds, which it is designed and intended by said funding board to pay, redeem and retire, shall be designated by number in the call, and such call shall be published and advertised for not less than sixty days in one or more of the financial journals of repute and wide circulation in the city of New York, and in one of the daily papers published in Nashville, Tennessee. The call for bonds as aforesaid, shall fix and designate the time when, and the place or places where the bonds thereof shall deliver them for payment, and the place or places shall be either the office of the

Sinking fund used for what.

treasurer at Nashville, or one or more of the designated depositories of the State of Tennessee, in Nashville, Tennessee and New York; and interest on the bonds called shall cease on the day fixed in the said call for their payment and redemption. When said bonds called as aforesaid, shall be presented for payment and redemption and are paid and redeemed, they and the coupons thereon shall be canceled forthwith, and after cancellation shall be held and securely kept by the treasurer until they shall be ordered to be destroyed by the General Assembly.

Other sources
of sinking fund.

Sec. 3. Be it further enacted, That in addition to ten per centum of the monthly receipts and collections of the treasury to be set apart and paid into the sinking fund, as hereinbefore in this act provided, there shall be paid into the said sinking fund, by the treasurer, out of the general funds and revenues of the state, at the end of each year, as much money as would equal the amount of interest that would have been paid on all the bonds previously retired, had they not been purchased, redeemed or paid. There shall also be added to the sinking fund annually whatever surplus remains in the state treasury at the close of business on the first day of January of each and every year, after deducting from the amount of cash in the treasury the total amount of current obligations against the state due and unpaid on that day.

Payments from
sinking fund,
how made.

Sec. 4. Be it further enacted, That all payments and disbursements out of the sinking fund authorized by this act, shall be made on the written order of the funding board, in which the object and purpose of the payment shall be plainly stated. Said order shall be addressed to the treasurer, and upon said order the treasurer shall use the money in the sinking fund to purchase, redeem or pay for said bonds. Said orders of the funding board shall be carefully preserved and kept by the treasurer, in his office, in a well bound book.

Report.

Sec. 5. Be it further enacted, That the funding board shall make biennially to the General Assembly, a detailed and itemized statement of the amounts paid into the sinking fund, and of all disbursements made therefrom under the provisions of this act, and shall

accompany said report with a certificate of the treasurer, showing all the bonds and numbers thereof, purchased, paid, redeemed and canceled.

Sec. 6. Be it further enacted, That all the necessary expenses incident to carrying the provisions of this act into effect shall be paid out of the general funds of the state.

Sec. 7. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed January 26, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved January 27, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 9.

HOUSE BILL No. 33.

AN ACT to require insurance companies to pay the tax imposed by the United States War Revenue Act of 1898, on certificates of authority issued to insurance agents.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That all insurance companies of all kinds shall be required to pay to the insurance commissioner a sum equal to the stamps of ten cents each, which the insurance department is required to place on certificates of authority issued to insurance agents, as is required by the provisions of United States War Revenue Act of 1898.

Sec. 2. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed February 28, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved March 2, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 10.

SENATE BILL No. 135.

AN ACT to constitute the penitentiary commissioners a board, to whom the Governor may submit for preliminary examination all applications for the pardon of convicts confined in the penitentiary, and requiring said board to report, in writing, their conclusions as to the merits of the application.

Governor may
refer applica-
tions for par-
don.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That in all cases where applications are made to the governor for the pardon or commutations of sentence of any convict confined in the state penitentiary, the governor may at once refer said application, together with all the recommendations accompanying it, to the penitentiary commissioners of the state for such action as is hereinafter provided; Provided, This act shall only apply to applications for pardon by those confined in the penitentiary of the state.

Penitentiary
commissioners
to investigate.

Sec. 2. Be it further enacted, That in addition to the duties now devolving by law upon said penitentiary commissioners, they shall be required, when said applications for pardons or commutations of sentence are referred to them to carefully examine and thoroughly investigate the same, and report in writing within thirty days from the time the same were referred to them, to the governor of the state, as to the

merits of said application for pardon or commutation, and in said report said penitentiary commissioners shall approve or disapprove said application.

Sec. 3. Be it further enacted, That said penitentiary commissioners shall not receive any other compensation for said labor, other than that already allowed to them as said penitentiary commissioners.

Sec. 4. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed February 25, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved February 27, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 11.

HOUSE BILL No. 210.

AN ACT requiring all persons, firms, corporations, and companies using coupons, scrip, punchout, store orders, or other evidences of indebtedness to pay laborers and employes for labor, or otherwise to redeem the same in good and lawful money of the United States in the hands of their employes, laborers, or a bona fide holder, and to provide a legal remedy for collection of same in favor of said laborers, employes and such bona fide holder.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That all persons, firms, corporations and companies using coupons, scrip, punchouts, store orders, or other evidences of indebtedness to pay their or its laborers and employes, for or otherwise, shall, if demanded, redeem the same in the hands of such laborer, employe or bona fide holder in good and lawful money of the United States; Provided, The same is presented and redemption demanded of such person, firm, company or corporation using same as aforesaid, at a regular pay-

Redemption of
scrip, etc., how.

day of such person, firm, company or corporation to laborers or employes, or if presented and redemption demanded as aforesaid by such laborers, employes, or bona fide holders at any time not less than thirty days from the issuance or delivery of such coupon, scrip, punchout, store order or other evidences of indebtedness to such employes, laborers or bona fide holder. Such redemption to be at the face value of said scrip, punchout, coupon, store order or other evidence of indebtedness; Provided further, Said face value shall be in cash the same as its purchasing power in goods, wares and merchandise at the commissary company store or other repository of such company, firm, person or corporation aforesaid.

Action for redemption.

Sec. 2. Be it further enacted, That any employe, laborer or bona fide holder referred to in section 1 of this act, upon presentation and demand for redemption of such scrip, coupon, punchout, store order or other evidence of indebtedness aforesaid, and upon refusal of such person, firm, corporation or company to redeem the same in good and lawful money of the United States, may maintain in his, her or their own name an action before any court of competent jurisdiction against such person, firm, corporation or company, using same as aforesaid for the recovery of the value of such coupon, scrip, punchout, store order or other evidence of indebtedness, as defined in section 1 of this act.

Scrip not legalized.

Sec. 3. Be it further enacted, That nothing herein in this act contained is to be so construed as to legalize the issuance or use of scrip. That all laws in conflict with this act be, and same are hereby, repealed.

Sec. 4. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed March 17, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved March 23, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 12.

SENATE BILL No. 113.

AN ACT to make it a misdemeanor for a purchaser to sell, give away or otherwise dispose of, or to conceal personal property that is held under a written or printed contract of conditional sale when the title remains in the seller until that part of the consideration remaining unpaid is paid, with the intention of depriving the seller of the same, or of its proceeds, and to provide for the punishment and condonation of this offense.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That if the purchaser of personal property, under a written or printed contract of conditional sale, when the title remains in the seller until that part of the consideration remaining unpaid is paid, shall, without having paid for the same, and without the consent of the seller, sell, give away or otherwise dispose of or conceal such personal property, with the intention of depriving the seller of such property, or of its proceeds so that said seller cannot, by due process of law, recover possession of said property, when so entitled under the terms of his said contract of conditional sale, said purchaser shall be guilty of a misdemeanor, and, upon conviction shall be confined in the county jail for a period of not more than six months, or shall be fined not more than fifty dollars (\$50.00), or both.

Conditional
sale, misde-
meanor to
evade.

Sec. 2. Be it further enacted, That if any person selling, giving away, or otherwise disposing of, or concealing personal property bought under a contract of conditional sale, as set forth in the preceding section, shall pay the amount due upon the property under contract of conditional sale, or shall surrender the property to the person lawfully entitled to the possession thereof, before he is arraigned for trial, and shall pay the costs, he shall not be within the provisions of the preceding section.

Exception.

Sec. 3. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed March 2, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved March 3, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 13.

HOUSE BILL No. 65.

AN ACT to amend an act entitled "An act to amend an act to authorize the appointment of inspectors of illuminating oils and fluids."

Oil inspectors' fees paid into state treasury.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That chapter 68 of the printed Acts of the General Assembly of 1877, entitled "An act to amend an act to authorize the appointment of inspectors of illuminating oils and fluids" be, and the same is hereby, amended as follows, namely: That hereafter all inspection fees accruing under said act shall be paid by the several inspectors into the office of the state treasury, on the first Mondays of March, June, September, and December of each year, for the purpose of defraying the expenses connected with the inspections and gaugings herein provided for.

Inspectors to report, and what

Sec. 2. Be it further enacted, That each inspector shall make to the comptroller of the state treasury, under oath, an itemized statement on each of said dates, showing all the fees accrued and collected by him under said act during the quarter just passed, which statement shall show the number of vessels, barrels, and smaller packages inspected and gauged, and when and where, and the names and residences of the

persons, firms and corporations for whom inspected and gauged, and shall, for this purpose, keep a record showing same, and which shall be open to the inspection of all persons interested, and to all revenue agents and officers of the state.

Sec. 3. Be it further enacted, That the state treasurer shall, on the first Monday of each of said months, pay to each inspector in cities of 60,000 population or over, three hundred (\$300) dollars; in cities of 20,000 population or over, and under 60,000, two hundred (\$200) dollars; in cities of 8,000 population or over, and under 20,000, one hundred (\$100) dollars; in cities or towns of 2,000 population or over, and under 8,000, fifty (\$50) dollars; and in cities or towns of 1,000 to 2,000 population, and in each county of over 1,000 population, but having no city or town of 1,000 population or over, to each inspector twenty-five (\$25) dollars, said population to be computed according to last or any succeeding federal census; Provided, That no inspector shall receive more than he collects in fees for any one year's service, nor more for any quarter than he collects for such quarter, unless to make good a deficit for some preceding quarter. The state treasurer shall also, out of said fees, furnish each inspector with the necessary instruments or apparatus for testing, gauging and weighing said oils, fluids, liquors, molasses, etc., but no inspector shall be furnished said instruments by said treasurer unless he collects fees in excess of his compensation allowed hereunder sufficient to pay for the same, and said treasurer shall also, out of said fees, defray any and all expenses for paper, printing, postage, attorney's fees, record books for inspectors, and otherwise, as may accrue hereunder.

Inspectors' salaries.

Treasurer to furnish supplies to inspectors, when.

Sec. 4. Be it further enacted, That the state treasurer shall keep a separate account of all receipts arising hereunder, and shall report the same to the governor at each meeting of the legislature, together with a report of all the work done under this act.

Treasurer to report.

Sec. 5. Be it further enacted, That before entering upon the discharge of his duties, each inspector resaid shall enter into bond for the disposition of the fees collected by him, as herein provided, and for faithful performance of his duties under this act,

Inspector's bonds.

1 to account for all moneys received or collected
him as such inspector, and for inspectors in coun-
s of 40,000 population and under, according to the
leral census last preceding the making of the bond
penalty of same shall be \$2,000, and in counties
over 40,000 population, according to said census,
penalty of the bond shall be \$5,000. The bond
each inspector, in each county, shall be approved
and filed with the county court clerk of that
nty, and shall also provide, in case of suit thereon,
reasonable attorney's fees for the state's attorney.
Sec. 6. Be it further enacted, That on failure of
r inspector to turn over and account for the fees
herein directed, within ten days after the time
rein fixed, or for any other act or omission deemed
ficient by the governor, he shall have the right to
rove such inspector from office and appoint in his
ce another.

Sec. 7. Be it further enacted, That all acts and
rts of acts in conflict with this act be, and they are
reby, repealed, and that this act take effect from
d after the first day of July, 1899, the public wel-
e so requiring.

Passed March 16, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved March 23, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 14.

HOUSE BILL No. 392.

AN ACT to amend an act passed March 30, 1883, being chapter 252 of the Acts of 1883, and entitled "An act to authorize municipal corporations having a population of not less than four thousand, nor more than twenty thousand, to issue bonds for the construction of waterworks, and provide by taxation for their redemption," so as to provide that said corporation can, by the issuance of new bonds, provide for the redemption of said bonds so issued.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That an act passed March 30, 1883, being chapter 252 of the Acts of 1883, and entitled "An act to authorize municipal corporations having a population of not less than four thousand, nor more than twenty thousand, to issue bonds for the construction of waterworks and provide by taxation for their redemption," be, and the same is hereby, amended in the following particulars, to wit: That any municipal corporation having issued bonds under said act shall have the power and authority, and the same is hereby conferred upon them, to provide by ordinance for the redemption and liquidation of said bonds upon their falling due, or upon their becoming subject to call, by the issuance of new bonds. Said new bonds shall be of such amounts and of such character as the original bonds redeemed, and may be sold at the highest bidder for cash, provided no such new bond shall be of a higher rate of interest than 4 1-2 cent.; And provided further, That the proceeds of sale of the new bonds shall be used in the payment of the old bonds now subject to call, or those that may become subject to call; provided that the bonds issued under this bill shall be payable in lawful money of United States.

Redemption of certain bonds.

Sec. 2. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed March 1, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved March 2, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 15.

SENATE BILL NO. 30.

AN ACT to regulate the retention of title in conditional sales of personal property, and require that such retention of title in conditional sales of personal property shall not be legal or valid, unless evidenced by written contract.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That hereafter in all conditional sales of personal property, wherein the title to the property is retained by the vendor, as a security for the payment of purchase money, such retention of title shall be illegal and invalid, unless evidenced by a written contract or memorandum, executed at the time of the sale.

Sec. 2. Be it further enacted, That this act take effect September 1, 1899.

Adopted January 26, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved February 24, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 16.

HOUSE BILL No. 18.

AN ACT to be entitled an act to prohibit justices of the peace from trying criminal and misdemeanor cases, except where the defendant pleads guilty, while the grand jury of his county is in session, and to provide for an investigation of such charges at once by said grand jury.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That hereafter, whenever any person is brought before a justice of the peace of this state upon a warrant for any criminal offense or misdemeanor, if the grand jury of the county where the offense is charged to have been committed is in session, the said justice of the peace shall not try the case unless the defendant pleads guilty, but shall, if the offense charged is bailable, take bond of the defendant in such sum as now prescribed by law for the offense charged for his appearance before the court in charge of or impaneling said grand jury, from day to day pending an investigation of said offense by said grand jury. If the case is not bailable, or if the defendant fails to give the bond required, he shall be committed to jail, pending the investigation, the warrant and the bond, if any be given, to be at once transmitted to said court.

J. P. not to try criminal offense, when.

Sec. 2. Be it further enacted, That said grand jury shall thereupon make an investigation as to the offense charged in said warrant to have been committed, to the end that they may return an indictment or presentment, as prescribed and required by law for such offense. If an indictment or presentment shall be found against said defendant, he shall then be proceeded with as now required by law in such cases. If no indictment or presentment be found, the defendant shall be discharged. The grand jury shall immediately upon the receipt of the papers in the case, proceed to an investigation, and such cases shall have

Grand jury to investigate immediately.

ference in the order presented over all other cases investigated by the grand jury.

sec. 3. Be it further enacted, That if the said defendant pleads guilty to the charges in said warrant proceedings in the case shall then be the same respects as now prescribed by law.

sec. 4. Be it further enacted, That the said justice of the peace shall, before issuing subpoenas, or entailing other costs, require the defendant to plead to said warrant.

sec. 5. Be it further enacted, That no justice of the peace shall try any criminal or misdemeanor case while the grand jury of his county is in session, except as herein set out, but that nothing in this act shall prevent the proceedings before justices of the peace in civil action at any time, nor in criminal or misdemeanor cases, whenever the grand jury of his county is not in session, nor shall this act be construed so as to prevent the justice of the peace from determining whether the defendant is entitled to bail, but whenever the warrant charges the defendant with the commission of a capital offense the justice shall hear and determine whether the defendant is entitled to bail or not.

sec. 6. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed February 24, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives

SEID WADDELL,
Speaker of the Senate

Approved February 27, 1899.

BENTON McMILLIN,
Governor

CHAPTER 17.

HOUSE BILL No. 108.

AN ACT to amend an act entitled "An act to provide for the organization of corporations," being chapter 142 of the Acts of 1875, so as to provide for the organization of corporations for the laundry business.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That chapter 142 of the Acts of 1875, entitled "An act to provide for the organization of corporations," passed March 19, 1875, be, and the same is hereby, amended so as to provide for the organization of corporations for carrying on the laundry business. Laundry corporations may be chartered.

Sec. 2. Be it further enacted, That the form of a charter for a laundry corporation shall be as follows:

State of Tennessee, Charter of Incorporation:

Be it known, That (here insert the names of five or more persons, not under the age of twenty-one years, applying for the charter), are hereby constituted a body politic and corporate under the name and style of (here insert the name of the corporation), with a capital stock of (here insert the amount of the capital), and for the purposes usual and appropriate to the laundry business. Form of charter.

The general powers of said corporation are (here insert the powers as contained in section five (5) of said Act of 1875, chapter 142).

Sec. 3. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed January 18, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

proved January 21, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 18.

HOUSE BILL No. 155.

AN ACT entitled an act to detect cattle thieves and to prevent the stealing of cattle, and for other purposes.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That from and after the passage of this act, that all butchers and other persons conducting a slaughter pen, where cattle are slaughtered, shall keep a book in which shall be kept the name, postoffice address of all persons from whom they purchase cattle, together with a description of all cattle bought, giving the ear marks, color and as minute description of each cow brute purchased as it shall be possible to give in a brief form. Said book shall be kept open for inspection, and all persons shall have a right to inspect said book whenever application is made to do so; Provided, however, That this act shall not apply to butchers, or other persons purchasing from foreign dealers in droves, or delivered in cars.

Butchers, etc.,
to keep book of
purchaser.

Sec. 2. Be it further enacted, That any person violating the provisions of section 1, he shall be engaged in slaughtering cattle for beef, or buying cattle for the purpose of being slaughtered for beef, shall be guilty of a misdemeanor, and for each offense shall be fined the sum of \$5.00.

Passed January 27, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved February 24, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 19.

HOUSE BILL No. 302.

AN ACT to amend chapter 172 of the Acts of 1895, entitled "An act to amend chapter 84 of the Acts of 1893, entitled 'An act to amend an act entitled 'An act to establish taxing districts in this state, and to provide means of local government for the same,' passed January 29, 1879, and all acts amendatory thereof, so as to give the legislative council of the city of Memphis power to levy taxes for the support of said city, and to change the manner of filling any vacancies in the board of police and fire commissioners, or in the board of public works of said city, and to provide a street and sewer commissioner for said city," passed May 13, 1895, and all acts amendatory thereof, so as to enlarge the power of the legislative council of the city of Memphis, to levy taxes for municipal purposes for the support of said city.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the acts aforesaid, and all amendments thereto, be, and the same are hereby, so amended so as to provide that the legislative council of the city of Memphis shall have, and is hereby vested with, full power to levy and impose all necessary taxes for the support of the government of said city, and the limitations upon the tax rate and the total amount of taxes to be collected by said city, as imposed by the acts aforesaid, are hereby repealed; — said legislative council is vested with the power making the total gross levy for every purpose, exclusive of the park tax and special sewer tax, for any year, on realty, personalty and merchant's capital more than \$600,000; Provided, however, That tax levy in and on the first eleven wards of said shall not exceed, exclusive of the park tax and

Memphis authorized to levy tax.

special sewer tax, \$600,000; And provided further, That the levy in and on the territory annexed city of Memphis, by an act of the present assembly for all purposes, on realty, personalty and movable capital, shall be at the same rate as that levied within the old limits, except there shall be no levy on the annexed territory to raise money for interest on bonded debt, or the sinking fund of such bonded debt outstanding at the time of such annexation.

Sec. 2. Be it further enacted, That all acts and parts of acts in conflict with this act be, and the same are hereby, repealed.

Sec. 3. Be it further enacted, That this act shall have effect from and after its passage, the public welfare requiring it.

Passed January 28, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives

SEID WADDELL,
Speaker of the Senate

Approved January 28, 1899.

BENTON McMILLIN,
Governor

CHAPTER 20.

HORSE BILL No. 158.

AN ACT to be entitled an act to repeal section 5 of the Henderson county game law, passed March 18, 1897, and approved March 24, 1897.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That section 5 of the act to protect game birds in Henderson county, passed March 18, 1897, approved March 24, 1897, the same being of chapter 190, be, and the same is hereby, repealed.

Sec. 2. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed March 23, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved March 27, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 21.

HOUSE BILL No. 460.

AN ACT making it a misdemeanor for any person, or persons, to cut or otherwise damage the wire fences of another; and to provide a penalty for the same.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That it shall be a misdemeanor for any person, or persons, to trespass on the lands of any person by cutting or otherwise damaging the wire fences of another.

Sec. 2. Be it further enacted, That any one violating section 1 of this act shall be fined not less than \$10.00, nor more than \$25.00 for each offense, one-half to go to informant, one-half to go to state.

Sec. 3. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed March 18, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved March 23, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 22.

SENATE BILL No. 7.

AN ACT to amend the Acts of 1825, chapter 21, section 1, and for other purposes, being chapter 52 of the Acts of 1857-8, so as to provide for the better security of the landlord's lien.

Seller of tenant's crop
liable for rent,
when.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That chapter 52 of the Acts of the 32nd General Assembly of the State of Tennessee for 1857-8, be, and the same is, so amended as to provide that any factor, broker, commission merchant, or other person who sells the crop of a tenant, or any portion of it, with or without notice of such lien, and applies the proceeds to the payment of the tenant's indebtedness to himself, shall be liable to a purchaser to the person entitled to the rent.

Sec. 2. Be it further enacted, That any person entitled to rent may recover from the purchaser of the crop, or any part of it, the value of the property, but that it does not exceed the amount of the rent and damages.

Sec. 3. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Adopted January 26, 1899.

SEID WADDELL,

Speaker of the Senate.

JOSEPH W. BYRNS,

Speaker of the House of Representatives.

Approved February 24, 1899.

BENTON McMILLIN,

Governor.

CHAPTER 23.

HOUSE BILL No. 99.

AN ACT to prevent stock from running at large in counties of this state having a population of 59,000 or more, according to the federal census of 1890, or according to any subsequent federal census, and to prevent the necessity of fencing lands in counties that are now affected by this act, and that may hereafter be affected by it.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That in all counties in this state having a population of 59,000 or more, under the federal census of 1890, or that may have a population of 59,000 or more under any subsequent federal census, it shall be unlawful for any owner of any horse, cow, sheep, goat or hog, or any other live stock, knowingly to permit the same to run at large within the limits of such counties within this state; Provided, however, That it shall not be unlawful to use unfenced land in such counties (the owners of such lands not objecting), for summer range, if the live stock be placed under the care of a herdsman. Live stock not to run at large.

Sec. 2. Be it further enacted, That the owner of live stock mentioned or included in section 1 of this act shall be liable for all damages done to the property of other persons, while any of said stock may be running at large in said counties. Owner liable for damages.

Sec. 3. Be it further enacted, That in addition to the owners' liability for the damage done by the live stock mentioned or included in section 1 of this act, the party damaged shall have a lien on the animal, or animals doing the damage, and may enforce said lien attachment. Lien on stock for damage.

Sec. 4. Be it further enacted, That any person violating this act shall be guilty of a misdemeanor, and on conviction, shall be fined not less than \$5.00, or more than \$15.00.

Sec. 5. Be it further enacted, That nothing this act shall operate to amend or repeal the railw fence and stock law.

Sec. 6. Be it further enacted, That this act ta effect from and after the first day of November, 189 the public welfare requiring it.

Passed March 15, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved March 17, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 24.

HOUSE BILL No. 275.

AN ACT to amend section 23, chapter 25, of t Acts of 1873, entitled "An act to establish a maintain a uniform system of public schools."

Section 1. Be it enacted by the General Assemb of the State of Tennessee, That chapter 25, secti 23, of the Acts of 1873, be amended by adding at t close of the section, after the word "misdemeanor the following words: "Provided, That nothing in tl section shall be construed so as to include authors books and maps."

Sec. 2. Be it further enacted, That this act ta effect from and after its passage, the public welfa requiring it.

Passed March 22, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved March 27, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 25.

HOUSE BILL No. 196.

AN ACT seeking to prevent misrepresentation on the part of agents in the sale of life insurance policies.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the insurance commissioner may, upon proper investigation and hearing of both sides, revoke the certificate of authority of any life insurance agent, who has misrepresented in material respects the terms, conditions or character of a life insurance policy sold to a citizen of this state, and for one year after the date of revocation, the insurance commissioner shall issue no certificate of authority to an agent whose license has been revoked for the cause herein stated; Provided, however, That any agent affected by this act shall have the right to appeal from the decision of the insurance commissioner to the court.

Sec. 2. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed March 24, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved March 27, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 26.

SENATE BILL No. 239.

AN ACT to regulate the issuance of marriage licenses to authorize the marriage of persons under the age of sixteen years, and to provide punishment and penalties for violations of the provisions of this act.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That no county clerk, or deputy county court clerk, in this state shall issue marriage license to authorize the marriage of any persons, either one of whom, at the time she is under the age of sixteen years, unless written permission therefor is furnished, to be preserved in the county clerk's office, signed by the father, or if he is dead, then by the mother, or if she be dead, then by the guardian of such person applying for said license or for whom such application is made.

Sec. 2. Be it further enacted, That any county clerk or deputy clerk, knowingly violating the provisions of this act shall be guilty of a misdemeanor.

Sec. 3. Be it further enacted, That fraudulent signing or using any false document purporting to be the permission provided in the first section of this act, knowingly, shall be a misdemeanor, and shall be punished accordingly.

Sec. 4. Be it further enacted, That this act shall take effect from and after its passage, the public welfare requiring it.

Passed March 21, 1899.

SEID WADDELL,
Speaker of the Senate

JOSEPH W. BYRNS,
Speaker of the House of Representatives

Approved March 27, 1899.

BENTON McMILLIN,
Governor

CHAPTER 27.

HOUSE BILL No. 146.

AN ACT to amend the revenue laws, chapter 2 of the Acts of the regular session of the General Assembly of 1897, entitled "An act to provide revenue for the State of Tennessee, and the counties thereof," so as to provide for the payment of a privilege tax by trading stamp companies, or agencies and merchants, corporations or other persons doing business by or through such companies, or agencies by the methods known as trading stamps or like devices.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That chapter 2 of the Acts of the regular session of the General Assembly of 1897, be, and the same is hereby, amended by adding thereto the following:

That each trading stamp company, or agency, ^{Trading stamp companies} doing business by the sale or giving away trading stamps, or like devices in any county of this state, shall pay a privilege tax of five hundred (\$500) dollars per annum in each county in which such company or agency does business. That all persons, firms, corporations, agents or merchants engaged in business or dealing in merchandise, by or through the methods known as trading stamps, or like devices, shall pay a privilege tax of two hundred and fifty (\$250) dollars per annum; Provided, That this tax shall not apply to merchants who issue and use stamps, tickets, or coupons for and in their own business alone.

2. Be it further enacted, That the issuing, using or using trading stamps or like devices is hereby declared and made a privilege.

3. Be it further enacted, That this act take

m and after its passage, the public
it.

February 23, 1899.

JOSEPH W. BYRN
Speaker of the House of Represent

SEID WADDELL
Speaker of the S
red March 3, 1899.

BENTON McMILLIN
Gov

CHAPTER 28.

HOUSE BILL No. 87.

To amend chapter 132, section 1
and 3, Acts of 1891, entitled "A
an act to establish and maintain a
of public schools, being chapter 25
the Acts of 1873."

1. Be it enacted by the General
ate of Tennessee, That chapter 132
ctions 2 and 3, of the Acts of 1891
amend chapter 25, section 31 of the
and is hereby, amended by insert
"History of Tennessee" in each of
the words "The Constitution of Te
. Be it further enacted, That this
m and after its passage, the public
it.

March 20, 1899.

JOSEPH W. BYRN
Speaker of the House of Represent

SEID WADDELL
Speaker of the S
red March 23, 1899.

BENTON McMILLIN
Gov

CHAPTER 29.

HOUSE BILL No. 78.

AN ACT to amend chapter 87 of the Acts of 1871, to provide that justices of the peace be required to give only one bond during their term of office.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That chapter 87 of the Acts of 1871, be so amended that all justices of the peace of Tennessee shall make and execute only one official bond, to be approved by the county judge or chairman of the various counties of Tennessee, before entering upon the duties of their respective offices; and that bonds shall not be made biennially, as now required by law.

Sec. 2. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed March 22, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved March 27, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 30.

HOUSE BILL No. 622.

AN ACT to repeal the Acts of the General Assembly of Tennessee, declaring Buffalo river navigable being sections 1 and 2, chapter 40, Acts of 1837-8 Acts of 1837-8.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That section 1 and 2, being chapter 40 of the Acts of 1837-8, declaring Buffalo river navigable, be, and the same is hereby, repealed

Sec. 2. Be it further enacted, That this law take effect from and after its passage, the public welfare requiring it.

Passed March 27, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved March 31, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 31.

HOUSE BILL No. 226.

AN ACT to amend chapter 160, of the Acts of the Legislature of Tennessee, 1895, entitled "An act to govern and regulate the business of insurance other than life and casualty insurance, upon the assessment plan, and to repeal all laws and parts of laws in conflict with this act."

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That section 2, of chapter 160, of the Acts of 1895, be, and the same is hereby

amended by adding and inserting in line five of said acts as printed and immediately after the word "injury" therein the following words, to wit: "Loss or damage."

Sec. 2. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed March 24, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved March 27, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 32.

HOUSE BILL No. 315.

AN ACT to authorize and empower the taxing districts, cities, and towns of this state, having a population of 60,000 or more, according to the federal census of 1890, or any subsequent federal census, to build, purchase, or acquire control of in any manner and to extend a system of waterworks to be maintained and operated for the benefit of such taxing districts, cities and towns, and their inhabitants, and to issue bonds of whatever character, to make such mortgages, guarantees, contracts, agreements of whatever nature that may be necessary or expedient for the carrying out of the purposes aforesaid, and to authorize any water company, supplying such taxing district, city or town, and its inhabitants with water, to sell its water and property to such taxing district, city or town, and to authorize the stockholders of such

water company to sell their stock to such district, city or town, and take in exchange for the bonds of such water company, and to such other contract or agreement whereby taxing district, city or town shall acquire own or control of such water works, as may be upon, and to authorize such taxing district, city or town, after acquiring control of such water works, to establish regulations for the operation and management thereof.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the taxing districts, cities and towns of this state, having a population of 60,000 or more, according to the federal census of 1890, or any subsequent federal census, be, and the same are hereby, authorized and empowered to purchase, or acquire control of, in any manner to extend a waterworks system to be maintained and operated for the benefit of such taxing district, city or town, and its inhabitants.

Sec. 2. Be it further enacted, That if in the opinion of the legislative council, or other governing agency, as the case may be, of such taxing district, city or town, it is best to build and construct a system of waterworks, such taxing district, city, or town shall have, and is hereby vested with, power so to do. In order to raise the means necessary to construct such waterworks, mains, pipes and machinery, purchase such plant and property as may be necessary, such taxing district, city or town are hereby authorized and empowered to issue bonds to an amount not exceeding two million dollars (\$2,000,000) and any one taxing district, city or town, and such bonds shall bear such a rate of interest not exceeding five per cent., and they shall mature at such time, as the legislative council, or other governing agency of such taxing district, city or town may determine, and such bonds may be called, or not, or at such times as may be deemed best.

Sec. 3. Be it further enacted, That such taxing district, city or town are hereby authorized and empowered to purchase and buy the plant and property of any system of waterworks now supplying

in or out of such taxing district, city or town, and such taxing district, city or town may purchase or acquire such system of waterworks either by negotiation, appraisement under existing contract, or may purchase all or substantially all of the shares of stock to buy such system of waterworks.

Sec. 4. Be it further enacted, That if such taxing district, city or town shall determine to purchase, appraise or acquire control of any system of water works, as provided in the last section of this act, such taxing district, city or town shall have power to issue its coupon bonds to an amount not exceeding two million dollars (\$2,000,000), and bearing such a rate of interest not exceeding five per cent., maturing at such times and callable in such manner, as the legislative council or other governing agency of such taxing district, city or town may determine. May issue bonds.

Sec. 5. Be it further enacted, That if any bonds are issued under the provisions of this act, either for the purpose of constructing, building, purchasing, condemning or acquiring control of any system of waterworks, such taxing district, city, or town is hereby vested with the power to secure the payment of said bonds, and interest, by execution of a trust deed on the entire system of waterworks, land, buildings, pumping machinery, pipes, reservoirs, privileges, franchises and property of every character, wherever situated, and said trust deed may cover all after acquired property, and may embrace all revenue from supplying water. And the legislative council, or other governing agency of such taxing district, city or town, is hereby vested with full power to incorporate in such trust deed such stipulations and provisions as it shall deem best for the security of said bonds. Trust deed to secure bonds.

Sec. 6. Be it further enacted, That on all of the waterworks property constructed, built, bought, purchased, condemned or acquired control of under the provisions of this act, including its machinery, plant, works, water supply, pipes and all property of every nature and character, acquired at the time or subsequently, there shall exist an irrevocable first lien in favor of the holders of any bonds and coupons that may be issued under this act, to continue on such Bondholders' first lien on property.

property, additions to, renewals of, and repairs to, until all of said coupons and all of said bonds are paid and fully discharged.

Trust deed only
to secure bonds
No tax levied
to pay.

Sec. 7. Be it further enacted, That in respect to the principal and coupons, the bonds to be issued aforesaid, shall not create or carry any general liability against such taxing district, city or town; the holders of said bonds and coupons shall look to the security of the trust deed and statutory lien on said waterworks system for the payment thereof; no tax shall ever be levied for the payment of bonds or coupons, nor shall any property of such taxing district, city, or town other than said waterworks system be subjected to the payment thereof.

Appraise and
purchase prop-
erty under con-
tract.

Sec. 8. Be it further enacted, That in all cases where any taxing district, city or town, has any contract with any water company, providing that such taxing district, city or town shall have the right to purchase the property of such water company at a price to be fixed by arbitrators or appraisers, such taxing district, city or town is hereby vested with the power to enforce the terms of such contract and to purchase such property by arbitration or appraisal, and in such cases all the provisions of this act shall apply, and such taxing district, city or town may issue the bonds provided in this act, or exercise any of the powers conferred in this act that may be necessary or expedient to carry out the terms of such contract.

May own and
hold capital
stock.

Sec. 9. Be it further enacted, That if in the judgment of the legislative body, or other governing agency of such taxing district, city or town, it shall be deemed desirable or preferable to become the owner of all or substantially all of the capital stock of any water company, supplying water to such taxing district, city or town, and the inhabitants thereof, instead of building a system of water works, or of purchasing the plant or property of such water company, such taxing district, city, or town shall have, and is hereby vested with, the right and power to become the owner and holder of all or substantially all of the stock, by purchase or other contract, and to thereupon may issue the bonds and use the proceeds thereof in the manner herein authorized, and may execute, or cause to be executed, any and all contracts, agreements, or

executed, any mortgage or trust deed upon the property of such water system to secure the payment of such bonds. And such taxing district, city, or town is hereby expressly given full power and authority to make a contract with the stockholders of any water company supplying water to such taxing district, city, or town, and its inhabitants, whereby said water company may execute and issue its bonds in such an amount as may be agreed upon between such taxing district, city, or town, and said stockholders, which bonds shall be secured by a mortgage or trust deed upon all the property and franchises of said water company then owned or thereafter acquired, and whereby, in consideration of the guaranty by said taxing district, city, or town of the payment of the interest coupons upon said bonds so issued by said water company as the same shall fall due, the said stockholders of said company shall transfer and deliver their said stock to said taxing district, city, or town, or said taxing district, city, or town may contract with said stockholders that in consideration of the transfer and surrender of their said stock to said taxing district, city, or town, said taxing district, city, or town will pay annually, or semiannually, as may be agreed upon, a sufficient sum of money for the water furnished by such waterworks system to the taxing district, city, or town for municipal purposes, which specified sum of money shall be sufficient in amount to pay the interest on said bonds so to be issued by said water company, and which shall be applied to no other purpose whatever than the payment of such interest coupons. And such taxing district, city, or town is hereby vested the power to make such contract, to take such an amount of water, and pay such sum therefor, and for such a number of years as may be covered by the lifetime of such bonds, all of which may be provided in or indorsed on said bonds, and signed by the mayor, or other executive head of such taxing district, city, or town, and the bonds issued in pursuance of these provisions shall be received and owned by such stockholders in lieu of their stock, and full power and authority is hereby expressly given said water company to issue said bonds, and to said water company, and its

May contract
with stock
holders.

May contract
to take water.

stockholders, to enter into such contract with such taxing district, city, or town. Said bonds of said water company hereby authorized to be issued shall not exceed in amount two million dollars (\$2,000,000), and they shall be in such denomination, and at such a rate of interest, not exceeding five per cent per annum, and be callable in such manner as may be agreed upon between such company and such taxing district, city, or town. And such water company is hereby expressly authorized to secure the payment of said bonds by a mortgage or trust deed on all of its real estate and franchises then owned or thereafter acquired, and containing such other terms and conditions as may be mutually agreed upon between said company and such taxing district, city, or town.

Sec. 10. Be it further enacted, That if such taxing district, city, or town shall deem it advisable to become the owner of all, or substantially all, of the capital stock of such water company so furnished with water, such taxing district, city, or town and said water company, its stockholders, may further provide and stipulate for additional security for the payment of said bonds to be issued by said company, that the water works, and all, during the life of said bonds, or until their maturity, be so fixed and maintained as annually to produce a sum sufficient to pay all their operating expenses and repairs of said water works system, and to pay all fixed charges and interest on outstanding bonds, and to pay the interest on bonds issued under this act so to provide a sinking fund sufficient to pay said bonds at their maturity. And such taxing district, city, or town, and such water company and its stockholders, are hereby given full power and authority to make such other or different contracts, and to enter into such other or additional terms, providing such stipulations as shall be deemed necessary and convenient to carry out the purposes of this act, it being the intent and purpose hereof to give such taxing district, city, or town, and such water company and its stockholders, unlimited power and authority to enter into such contract or agreement whereby such taxing district, city, or town shall become the owner of

substantially all of the stock of such water company as may be mutually agreed upon.

Sec. 11. Be it further enacted, That if in the construction of waterworks system, or in the purchase of the property or shares of stock of any water company, or in the exercise of any of the powers conferred in this act, it shall be deemed desirable, such taxing district, city, or town shall have, and the same is hereby vested with, the power to borrow the amount of the money, or any part thereof, that may be necessary to carry out the purposes of this act, and may issue in evidence of such loan a certificate, certificates of indebtedness, payable not later than one year after the date thereof, and such certificates may be paid in cash out of the proceeds of the sale of any of the bonds hereinbefore provided for, or said certificates may be funded in said bonds and for the security of said certificates, principal, and interest such taxing district, city, or town may pledge and mortgage the property and franchises of such waterworks, and may make such other contracts, stipulations, or provisions as may be deemed necessary or expedient for the security of said certificates.

May borrow money and issue certificates; how redeemed.

Sec. 12. Be it further enacted, That if any such taxing district, city, or town shall build, purchase, or acquire control of any system of waterworks under the provisions of this act, said system of waterworks shall be maintained and operated in one of the following ways:

Waterworks to be operated how.

First—If such taxing district, city, or town shall acquire control of the plant and property of any water company, by the purchase of all or substantially all of the shares of stock of such water company, then such taxing district, city, or town may maintain the separate corporate existence of said company, and control the same through the election of directors of such water company, the election of said directors to be by the legislative council, in the case of taxing districts, and in the case of other cities and towns governing board thereof.

When stock purchased.

And—In the event such taxing district, city, or town shall purchase the property of any system of waterworks, or acquire control of the same, by the

When property purchased.

purchase of all or substantially all of the stock of such water works, then such taxing city, or town may establish a water department under the direct supervision of the legislative council of such taxing district, city, or town, in which the mayor, or other executive head of such taxing district, city, or town, or in case of taxing district organized under the Act of January 29, 1901, the board of fire and police commissioners, shall employ a superintendent, a treasurer, a bookkeeper, and such engineers and such employees as may be necessary, and the salaries and compensation of such officers and employees shall be fixed by the legislative council or other governing agency of such taxing district, city, or town.

Third.—The legislative council, or other governing agency of such taxing district, city, or town, shall establish a water board of three members to create and operate said waterworks system, in which the members of said waterworks board shall be appointed by the legislative council or other governing agency of such taxing district, city, or town. And such taxing districts, cities, and towns shall be empowered to establish by ordinance all provisions and regulations for the control and management of such system of waterworks as may be necessary in conformity with the provisions of this act. In no case shall the superintendent, treasurer, bookkeeper, or engineer of such water works system be appointed or hold office until his appointment has first been approved by the legislative council or other governing agency of such taxing district, city, or town. And in no event shall any director, officer, or employee, of any water board, officer, or employee, of any water works system be removed or discharged upon written charges preferred against him by the legislative council, or other governing agency of such taxing district, city, or town, and the legislative council or other governing agency shall have the power to provide by ordinance what deficiency of conduct shall be sufficient for the removal of such persons.

Sec. 13. Be it further enacted, That this

effect from and after its passage, the public welfare requiring it.

Passed January 28, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved January 28, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 33.

HOUSE BILL No. 250.

AN ACT to amend chapter 276 of the Acts of the Legislature of 1897 for the protection of fish in the counties of Wayne, Perry, Humphreys, Marshall, Union, and Campbell.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That section 1 of chapter 276, being an act passed March 19, 1897, for the protection of fish, be, and the same is hereby, so amended as to make it unlawful to take or catch fish in any of the streams, lakes, or ponds except Tennessee river, of which river shall be governed by the present existing fish laws in the counties of Humphreys and Perry, in any manner whatever, except by hook and line or trot line.

Sec. 2. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed March 18, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved March 27, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 34.

SENATE BILL No. 146.

AN ACT to make grave robbing a felony.

Be it enacted by the General Assembly of State of Tennessee, That any person who remove any dead body, or disinters any dead body, from place of interment for the purpose of selling or otherwise disposing of the same to any person, company or corporation for the purpose of dissection, or otherwise mutilate said body without first having obtained the consent of the family or relatives of the deceased shall be deemed guilty of a felony, punishable imprisonment in the penitentiary for a period of less than two nor more than five years; and that act take effect from and after its passage, the public welfare requiring it.

Passed March 21, 1899.

SEID WADDELL,
Speaker of the Senate

JOSEPH W. BYRNS,
Speaker of the House of Representatives

Approved March 27, 1899.

BENTON McMILLIN,
Governor

CHAPTER 35.

HOUSE BILL No. 43.

AN ACT to amend an act approved April 2d, 1897, being chapter 104 of the Acts of 1897, by striking from the caption from section 1 these words, "under 75,000 population."

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That chapter 104 of

Acts of 1897, approved April 2, 1897, entitled "An act to require the workhouse commissioners of counties of over 55,000 and under 75,000 population, by the federal census of 1890, or any future federal census, to elect a superintendent at the January meeting, 1898, for a term of four years, and to provide for his election every four years thereafter, to authorize the superintendent so elected to employ his guards and other employes; to prevent a member of the county court from becoming superintendent, and to prevent any person related to any member of the workhouse commission, to the third degree, from being eligible to the office of superintendent of the workhouse," be, and the same is hereby, amended so as to strike from the caption thereof, and from section 1, these words, "and under 75,000 population."

Sec. 2. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed March 23, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved March 27, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 36.

SENATE BILL No. 139.

ACT to provide the number of peremptory challenges for the state and the defendant in the trial of criminal prosecutions for petit larceny.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That in the trial of all prosecutions for petit larceny the State of Tennessee shall be and be entitled to two peremptory challenges;

and that in said prosecutions the defendant shall have and be entitled to six peremptory challenges.

Sec. 2. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed March 24, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved March 27, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 37.

SENATE BILL No. 70.

AN ACT to authorize clerks of the circuit courts and of the county courts, and clerks and masters of the chancery courts and clerks of the supreme court of this state to reopen the biddings on all land sales made under orders and decrees of such courts when the original bid has since the sale been advanced as much as ten per cent., and to report his action to the court for confirmation without any order of court first obtained.

Bidding on
land sales may
be reopened,
when.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That hereafter in all sales of land made under orders and decrees of the several circuit courts, county courts, and chancery courts, and supreme court of this state where an advance bid of as much as ten per cent. of the original bid shall be made, the clerk, or clerk and master, of such court is hereby authorized and empowered to accept said advance bid and reopen the biddings on such sale, and to receive additional bids, and to hold the same open for advance bids to some day by him designated, and give the purchaser and the parties, or their attorneys of record, notice of his reopening of

the biddings, and to report his action to the court for confirmation without any order of decree of the court authorizing such reopening first being had; Provided, Nothing herein shall be construed as abridging the rights and jurisdiction of the chancellor to reopen the biddings on such terms as he may deem right.

Sec. 2. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed March 21, 1899.

SEID WADDELL,

Speaker of the Senate.

JOSEPH W. BYRNS,

Speaker of the House of Representatives.

Approved March 27, 1899.

BENTON McMILLIN,

Governor.

CHAPTER 38.

HOUSE BILL No. 547.

AN ACT to exempt all employes thirty dollars from execution, seizure, or attachment.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That thirty dollars shall be exempt from execution, seizure, or attachment of the wages of any employe in the state.

Sec. 2. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed March 23, 1899.

JOSEPH W. BYRNS,

Speaker of the House of Representatives.

SEID WADDELL,

Speaker of the Senate.

Approved March 27, 1899.

BENTON McMILLIN,

Governor.

CHAPTER 39.

HOUSE BILL No. 16.

AN ACT to regulate the lien when an execution issued by a justice of the peace and is levied on real estate.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That hereafter whenever any execution, issued by a justice of the peace, levied on real estate, and ten days from the date the levy has expired, the title to real estate shall be affected as to third parties until said execution and the papers in the cause are filed in the circuit court of the county in which the land lies.

Sec. 2. Be it further enacted, That the officer making said levy shall within ten days thereafter return the execution to the circuit court, where said cause will be at once docketed, and he will return the file of the return of such execution to the circuit court to the justice issuing the execution, whereupon said justice shall file the remaining papers in said cause in the circuit court as now required by law.

Sec. 3. Be it further enacted, That this act take effect from and after the first of July, 1899.

Passed March 25, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives

SEID WADDELL,
Speaker of the Senate

Approved March 30, 1899.

BENTON McMILLIN,
Governor

CHAPTER 40.

HOUSE BILL No. 811.

AN ACT to provide for the disposition of lawsuits pending, and on trial, either by court or jury, at or near the expiration of the term of the court by operation of law.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That whenever in the courts of this state any case is pending, and on trial by court or jury, undetermined at the time the term at which it is pending expires, on account of time, and on account of the arrival of the succeeding term, the term shall be extended and continued into such succeeding term for all the purposes of trying, disposing of, and returning verdict and rendering judgment in such case so pending and on trial, the same as if such new term had not arrived. And the jury trying such case shall not be discharged because of the expiration of the term.

Sec. 2. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 1, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 1, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 41.

HOUSE BILL No. 370.

AN ACT to authorize and enable the mayor and aldermen of the town of Brownsville, Tennessee, to issue coupon bonds in an amount not to exceed \$12,500 for the purpose of erecting and furnishing, or assisting in erecting and furnishing, a public school building in said town, and to repeal chapter 135, Acts of 1897.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the mayor and aldermen of the town of Brownsville, Tennessee, be, and they are hereby, authorized and empowered in their corporate capacity to issue interest bearing coupon bonds, signed by the mayor and countersigned by the recorder of said town, to an amount not to exceed the sum of \$12,500, and the proceeds of which shall be used exclusively for the purpose of erecting and furnishing, or assisting in erecting and furnishing, a public school building in said town; Provided, however, That said bonds shall not be issued until an election is held in said town to determine whether the legal voters of said town favor the issuance of said bonds.

Sec. 2. Be it further enacted, That the mayor and aldermen of said town shall, by ordinance, appoint some suitable time at which to hold said election, and that all persons who are qualified voters to vote for mayor and aldermen of said town shall be entitled to vote in said election, and that said election shall be called and held and conducted in all respects by the same officers, and under the same regulations by law, as are the elections for mayor and aldermen of said

town, except as herein otherwise provided. That upon the official ballot shall be printed the words, "For the school bonds" and "Against the school bonds," and if three-fourths of the votes cast in said election shall be in favor of the bonds, then the said bonds shall be issued. Said bonds shall be issued in denominations of \$100 to \$1,000 each as to the said board of mayor and aldermen may seem best, and with coupons attached, interest to be paid annually not to exceed six per cent. per annum. Said bonds shall mature in thirty years, and shall not be sold or hypothecated for less than 100 cents on the dollar. Said bonds shall be payable in legal tender money of the United States.

Sec. 3. Be it further enacted, That upon the issuance of said bonds in conformity with the foregoing sections, they shall be a valid and binding debt of said municipal corporation, and that the mayor and aldermen of said town are hereby instructed to turn over the money received by said board of mayor and aldermen from the sale of said bonds to the treasurer of the board of school commissioners of the public school district of Brownsville, who shall execute a bond in the sum of \$25,000, signed by himself and four or more sureties, and approved by said board of mayor and aldermen, and said \$12,500, or any part thereof, shall not be paid out by said treasurer, except upon the order of said board of school commissioners of said Brownsville school district, in writing, signed by the secretary and countersigned by the president of said board of school commissioners.

Treasurer
school board to
receive fund
and give bond;
how fund paid
out.

Sec. 4. Be it further enacted, That when said bonds are issued and sold for the purposes herein provided, said public school building shall be built under the direction of the board of school directors of Brownsville, and that they may employ such experts, architects, mechanics, and builders, and use such material, and do and perform such acts, with reference to the building of the same, as to provide such town with neat, substantial, and commodious public school building.

How building
to be built.

Sec. 5. Be it further enacted, That before said bonds, or any of them, are issued, they shall all be numbered, together with the coupons attached, and

Bonds num-
bered; record
of purchasers,
etc.

that the date of the issuance, the number and amount of each of said bonds, with the coupons thereto attached, and to whom sold or hypothecated, shall entered by the recorder in a well bound book to provided for that purpose, which book shall at times be open to the inspection of the taxpayers said town.

Sec. 6. Be it further enacted, That said board mayor and aldermen may, if necessary, levy, assess and collect a tax from year to year from the taxable property, polls, and privileges of said town, to pay for the interest on said bonds and to create a sinking fund; Provided, That the levy for all purposes in any year shall not exceed 150 cents on the 100 dollars of property; said taxes shall be collected by the recorder of said town, in the same way and manner taxes are now collected in said town. The sinking fund herein provided for shall be used in the payment of said bonds, and the said board of mayor and aldermen shall have the right to provide, by proper ordinance, for having the provisions of this section carried out.

Sec. 7. Be it further enacted, That chapter 135 of the printed Acts of 1897, entitled, "An act to amend an act, approved April 6, 1893, entitled an act to incorporate the town of Brownsville, Tennessee, in chapter 93, Acts of 1893, and to authorize and empower said town to issue \$12,500 bonds for the purpose of erecting and furnishing, or assisting in erecting and furnishing, a public school building in said town, and to provide a sinking fund for the ultimate redemption of said bonds, and amended chapter 55, Acts of 1895, entitled 'An act to amend the act, approved April 6, 1893, entitled 'An act to incorporate the town of Brownsville, Tennessee, in chapter 23, Acts of 1893, to authorize said town to issue bonds to purchase, extend, improve, and operate water works plant in said town now known as the Brownsville Artesian Water Company, and provide for the security and payment of said bonds and to empower said town to establish and collect water rate and charge and disburse same, be, and the same is hereby, repealed, and that this act take effect

from and after its passage, the public welfare requiring it.

Passed March 3, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved March 17, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 42.

HOUSE BILL No. 376.

AN ACT to exempt Rutherford county from the fish law of 1897, and to define the manner of fishing in said county.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That it shall be lawful to catch fish in Rutherford county in every way, and at all times, except by the use of explosives and poisons, and devices that prevent the easy passage of the fish up and down the streams of said county.

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with this act be, and the same are hereby, repealed, and that this act take effect from and after its passage, the public welfare requiring it.

Passed March 27, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved March 31, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 43.

HOUSE BILL No. 581.

AN ACT to amend the charter of the city of Jackson, Tennessee, so as to empower said city to issue not exceeding twenty-five thousand (\$25,000) dollars of bonds for the purpose of erecting and furnishing a city hall, calaboose, and stable.

May issue
bonds.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the charter of the city of Jackson, Tennessee, and acts amendatory thereto, be, and the same are hereby, amended so that the mayor and aldermen of said city, in their corporate capacity, shall have, and they are hereby vested with, full power to issue, under the restrictions herein provided, the interest bearing coupon bonds of said city to an amount not exceeding twenty-five thousand (\$25,000) dollars, to be issued and used for building and furnishing a city hall, calaboose, and stable in said city.

Denominations
interest, etc.

Sec. 2. Be it further enacted, That the bonds issued at any time under this act shall be of such denomination, bear such rate of interest per annum, not to exceed four and one half (4 1-2) per cent., and be due in such time not less than ten nor more than thirty years from the date, and payable at such times and places as the corporate authorities may determine, and shall be payable in lawful money of the United States.

Sold at par;
coupons re-
ceivable for
taxes.

Sec. 3. Be it further enacted, That none of the bonds provided for in this act shall be sold for less than par, and the coupon, when due, shall be receivable for all taxes and dues to the corporation except the school tax, the tax specially levied to pay the interest on the bonds of said city heretofore issued.

Election or
elections as to
issuance.

Sec. 4. Be it further enacted, That before the mayor and aldermen shall issue any of the bonds contemplated by this act they shall first order an election of the voters of said city, and prescribe rules and

regulations therefor, and shall give notice of said election by publication in some newspaper published in said city at least once a week for three consecutive weeks, or by hand bills publicly posted for at least twenty days, specifying in such notice the amount of bonds proposed to be issued, and for what purpose, and providing for a ballot on the proposition; and if two-thirds of the persons voting at such election are in favor of said proposition, then the mayor and aldermen shall issue the bonds for that purpose, and said election may be held at any time or as many times for said purpose as the said mayor and aldermen may determine, and persons voting in said election who favor the issue of said bonds shall have written or printed on their ballots "For Bonds," and those opposed shall have written or printed on their ballots "Against Bonds."

Sec. 5. Be it further enacted, That said mayor and aldermen are hereby authorized to provide by ordinance for the levy and collection of taxes annually on all taxable property and privileges of said city for the purpose of paying the interest semiannually on said bonds, and to provide for their final redemption and payment. Levy taxes.

Sec. 6. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed March 27, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved March 31, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 44.

HOUSE BILL No. 266.

AN ACT to create an additional justice of the peace for the second civil district of Scott county, Tennessee, and provide for the election of same.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the second civil district of Scott county, Tennessee, shall hereafter be entitled to one additional justice of the peace, who shall be elected by the qualified voters of said district voting at Helenwood precinct in said district, and who shall reside and keep his office in said town of Helenwood, and shall have all the powers and privileges of other justices of the peace in said county.

Sec. 2. Be it further enacted, That the first election to fill said office shall be held after the expiration of the term or vacation of office of J. J. Newpo, the last elected justice of incorporated town of Helenwood before charter of incorporation of said town was repealed, and the person so elected shall hold said office until the following general election for justices of the peace, or until his successor is elected and qualified.

Sec. 3. Be it further enacted, That this act take effect from and after its passage.

Passed March 28, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved March 31, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 45.

HOUSE BILL No. 277.

AN ACT to authorize Union county to issue bonds for the purpose of building a courthouse, and provide for the payment of the principal and interest of said bonds.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the county of Union, through its quarterly county court, be, and is hereby, authorized and empowered to issue bonds of the county for the purpose of building a courthouse for the county, not exceeding twelve thousand (\$12,000) dollars, bearing the rate of interest not to exceed six per cent. per annum, payable annually. The said bonds to be payable in from ten to twenty years, from the date thereof, as said county court may order and direct. Said bonds shall be payable in legal tender money of the United States. May issue bonds.

Sec. 2. Be it further enacted, That said bonds shall be signed by the county chairman of Union county, and countersigned by the clerk of said county court, with his official seal affixed to the same and to be in denominations of one to five hundred dollars, as the said county court may direct, and be numbered in order of issuance, beginning with one. Signed, etc., denomination.

Sec. 3. Be it further enacted, That each of said bonds shall have attached to it interest bearing coupons, showing each annual installment of interest on said bonds, when the same shall fall due, and showing, on their face, the number of the bonds to which they are attached; the coupons shall be signed in the same manner as the bonds, but without the official seal of clerk. Coupons.

c. 4. Be it further enacted, That it shall be the duty of the county court annually, to levy a tax on the taxable property and privileges of said county, for the purpose of paying the annual interest on said bonds, and for the purpose of creating a sinking fund, May levy tax.

pay said bonds when due; and the county treasurer shall collect and account for said tax, and receive compensation he is allowed by law for collecting other county taxes.

Sec. 5. Be it further enacted, That said bonds shall not be sold for less than par value.

Sec. 6. Be it further enacted, That this act shall take effect from and after its passage, the public welfare requiring it.

Passed February 28, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives

SEID WADDELL,
Speaker of the Senate

Approved March 2, 1899.

BENTON McMILLIN,
Governor

CHAPTER 46.

HOUSE BILL No. 269.

AN ACT to authorize the city of Knoxville to fund its floating indebtedness amounting to one hundred thousand (\$100,000) dollars, upon certain conditions.

Whereas, the city of Knoxville has a floating indebtedness, amounting to one hundred thousand (\$100,000) dollars, upon which it is now paying six per cent. interest; and

Whereas, it is desirous to fund said indebtedness at a lower rate of interest, and to create a sinking fund for the redemption of the bonds issued for that purpose; Therefore,

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That it shall be the duty of the mayor and aldermen of the city of Knoxville to fund its floating indebtedness, not to exceed a sum of one hundred thousand (\$100,000) dollars, by the issuance of its coupon bonds, in the manner and subject to the restrictions hereinafter provided.

Sec. 2. Be it further enacted, That all bonds issued under this act, shall be of such denominations, Denomination, interest, etc. bear such rate of interest (not exceeding four per cent. per annum), and be due in such time (not less than ten, nor more than thirty years from date), and be payable in legal tender money of the United States at such time and places as the corporate authorities may determine; Provided, however, That all bonds shall bear the same rate of interest.

Sec. 3. Be it further enacted, That the bonds provided for by this act shall in no case be sold for less than par, and the coupons attached shall, at maturity, be receivable for all taxes and dues, to the corporation, except the sinking fund tax provided for by the following section, and the school tax. Sold at par; coupons receivable for taxes.

Sec. 4. Be it further enacted, That before any bonds shall be issued hereunder, the corporation shall provide, by ordinance, for a sinking fund wherewith to retire the bonds by levying a special tax on property, same to be designated the "Sinking Fund Tax," the tax to run with the bonds, and to be collected annually, and used exclusively for the purpose levied, and to be sufficient, with its accumulations, as near as may be estimated, to meet or retire the principal indebtedness at maturity. Sinking fund.

Sec. 5. Be it further enacted, That said corporation, before issuing any bonds under this act, shall appoint or select by ballot, three persons, citizens, who shall be known as "Sinking Fund Commissioners," who shall hold office for three years, and until their successor shall be elected and qualified, and to be so elected that the term of office of one of said commissioners shall expire in each year; Provided, That at the first election one commissioner shall be elected for one year, one for two years, and one for three years, and every year thereafter one shall be elected to serve for three years. Sinking fund commissioners.

Sec. 6. Be it further enacted, That said commissioners shall take and subscribe to an oath, in writing, before any person authorized to administer oaths in judicial proceedings, faithfully to discharge their duties, and shall give bond in such sum, and otherwise qualify themselves, and receive such compensation Oath and bond.

as the ordinance of the corporation may prescribe and provide.

Duties.

Sec. 7. Be it further enacted, That said commissioners shall receive from collector of taxes, or treasurer of city, all sinking fund taxes, and shall invest the same from time to time in the bonds of the corporation, and make settlement of their accounts in such manner, and with such persons as the corporation may, by ordinance, direct; Provided, however, That whenever such bonds of the city are purchased, or invested in by said commissioners, they shall cancel the same in the presence of the mayor and aldermen or city council, in such manner as may be determined by ordinance.

Sec. 8. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed February 28, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved March 2, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 47.

HOUSE BILL No. 121.

AN ACT to confer power upon the taxing districts of this state of 60,000 and over, according to the federal census of 1890, or any subsequent census, to compel the owners and occupants of houses situated within their limits to take and use for sanitary purposes the water furnished by any general water system, whether such water system is owned or operated by such taxing districts, or by a private company.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the taxing districts of this state, of 60,000 and over, according to the federal census of 1890, or any subsequent census, are

hereby vested with the power to compel the owners, tenants or occupants of any house or building situated in their limits, to take and use for sanitary purposes the water furnished by any general waterworks system in such taxing district, and this power may be exercised as well in cases where such system of waterworks is owned or operated by a private water company, as where the same is owned or operated by such taxing district.

Sec. 2. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed January 28, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved January 28, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 48.

HOUSE BILL No. 113.

AN ACT to repeal the charter of "Madison Heights," Shelby county, Tennessee, and to remand the territory and inhabitants thereof to the government of the state.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the charter of incorporation granted to, and obtained by the town of "Madison Heights," recorded April 16, 1890, in the corporation records in the office of the register of Shelby county, Tennessee (to wit, in Book No. 5, page 6), and the amended charter of incorporation, recorded in Book No. 5, pages 119, 120 and 121, of said register's office, November 6, ———, be, and the same are hereby, each and every one of them, repealed and abolished, and all offices created and held under or by virtue of any of said acts of incorporation and amendments thereto, are abolished, and the population within the territorial limits defined therein are

Charter repealed; property to state.

hereby resolved back into the body of the state; and all power of taxation, in any form whatever, heretofore vested in or exercised by the authorities of said municipal corporation, by virtue of said acts of incorporation hereinbefore recited, or otherwise, is forever withdrawn; and the public buildings, squares, promenades, streets, alleys, houses and wagons, and all other property, real and personal, hitherto owned and used by such corporation for municipal purposes, are hereby transferred to the custody and control of the state, to remain public property, as it has always been, for the uses to which said property has been hitherto applied, or may hereafter be applied by the state, or by its authority.

Sec. 2. Be it further enacted, That the trustee of Shelby county shall be authorized, and is hereby directed, to collect all delinquent taxes due to this municipality at the passage of this act.

Receiver; duties as to funds.

Sec. 3. Be it further enacted, That the governor of the state shall appoint an officer, to be known as receiver for said extinct municipality, who shall qualify as other collectors of public revenue, and who shall give bond with good security, in the penalty of \$500, to be approved by the chairman of the county court of Shelby county, and who, when so qualified, shall enter upon the duties of his office. His duties shall be to receive from said trustee all moneys collected by him upon account of the said delinquent taxes due to said extinct municipality at the passage of this act, and to forthwith apply said moneys to the payment of just obligations and liabilities of said extinct municipality, and to the uses and purposes for which the same was levied as if this repeal had not occurred, so that no one entitled to the benefit of said funds or revenues, shall be deprived of the same, because of such repeal; and the surplus of said funds, if any, he shall pay to the proper official, or officials, for the benefit of and for the use of the common schools, or city schools of the city of Memphis. It is hereby made the duty of the trustee of Shelby county to, upon demand of said receiver, pay to him said moneys and funds.

Sec. 4. Be it further enacted, That said receiver is hereby further authorized and empowered, in his

name as receiver, to cause any lawsuit which is now pending, in which said extinct municipality is a party, to be revived in his name as receiver, in room and stead of said extinct municipality. Said receiver is hereby vested with all the powers and rights pertaining to said litigation which the municipality enjoyed before the repeal of this charter, and he is further vested the power and authority to prosecute said litigation to a final determination for the use and benefit of said extinct municipality; and it is hereby made the duty of all courts of this state, in which said litigation may be pending, upon application of said receiver, to so revive the case and to treat said receiver in all respects as the proper representative therein of said extinct municipality.

Receiver to revive lawsuits.

Sec. 5. Be it further enacted, 'That said receiver is hereby authorized, out of any funds which he may so receive from said county trustee, to pay all proper expenses, inclusive of reasonable attorney's fees, court costs, etc., made in the prosecution of said litigation.

To pay expenses.

Sec. 6. Be it further enacted, That said receiver shall file with the clerk of the county court of Shelby county, on the first Monday of January, 1900, and afterwards, as may be required by the chairman of said court, his report, showing receipts and disbursements under this act, until such time as he may be finally discharged as receiver by said court. Said receiver shall be entitled to retain, out of any funds so received by him, as compensation for his services under this act, a commission of ten per cent. on all funds, so by him received, and also a reasonable compensation for attention to said litigation.

Receiver to report; compensation.

Sec. 7. Be it further enacted, That this act shall take effect from and after its passage, the public welfare requiring it.

Passed January 18, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved January 25, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 49.

HOUSE BILL No. 122.

AN ACT to amend an act entitled a bill to establish taxing districts in this state, and to provide the means of local government for the same, being chapter 11, of the Acts of 1879, and to authorize the city of Memphis to levy a special sewer tax, and to provide for the payment and collection thereof.

May levy sewer tax. Section 1. Be it enacted by the General Assembly of the State of Tennessee, That for the purpose of enabling the city of Memphis to adequately sewer the entire territory of the city as it now exists, or as may be hereafter enlarged, and to provide for the finishing of said sewers, and for that purpose to construct flush tanks, water pipes and connections, the city of Memphis be, and it is hereby, authorized and empowered to levy an ad valorem tax of one dollar on the \$100, of all taxable property situated within the limits of said city, as said limits exist at the time of the making of said levy.

Sec. 2. Be it further enacted, That said city shall have power to levy the tax aforesaid, regardless of any existing or future limit upon the taxing power of said city.

Sec. 3. Be it further enacted, That the whole of said tax shall be levied upon the state and county assessment next preceding the making of said levy.

Sec. 4. Be it further enacted, That said tax shall be payable in four annual installments of 25 cents on the \$100 each; said installments to become due and delinquent at the same times, respectively, as the current taxes of the city become due and delinquent.

How paid. Sec. 5. Be it further enacted, That any taxpayer shall have the right to pay, and the city the right to receive, said tax, as follows: First, in cash, as said installments fall due; or, second, any or all of said deferred installments may be paid in cash in advance,

and the taxpayer shall be entitled to a discount of six per cent. per annum; or, third, the taxpayer may give his note, or notes, for any one or all of said installments not due, and the city shall have the power to assign and transfer said notes and discount the same at a rate not exceeding six per cent. per annum.

Sec. 6. Be it further enacted, That there shall be a lien upon the property, subject to the payment of said taxes, and said lien shall be of the same force, and enforcible in the same manner, as other tax liens, and notes given for the payment of said taxes in advance, shall be a lien upon said property, and if the same are not paid at their maturity, the same shall be collected as other delinquent taxes are collected. Tax lien.

Sec. 7. Be it further enacted, That said special sewer tax shall be collected by the trustee of Shelby county, as other city taxes are collected.

Sec. 8. Be it further enacted, That out of the proceeds of the tax levy herein authorized, the city may repay any moneys heretofore advanced to it, and expended by it for sewer purposes.

Sec. 9. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed January 18, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved January 25, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 50.

HOUSE BILL No. 115.

AN ACT to repeal the charter of the town of Shelby county, Tennessee, and remand the territory and inhabitants thereof to the government of the state.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the charter of incorporation granted to, and obtained by the town of Manila, recorded December 29, 1898, in the county records in the office of the register of Shelby county, in Book No. 8, at pages 364 et seq., the same is hereby, repealed and abolished, the offices created and held under and by virtue of said act of incorporation are abolished; and the territory within the territorial limits defined therein is hereby resolved back into the body of the state, and all power of taxation, in any form whatever, now or hereafter vested in or exercised by authority of said municipal corporation, by virtue of said act of incorporation hereinbefore cited, or otherwise, is forever withdrawn; and all property, real and personal, now owned and used by said corporation, for municipal purposes, is hereby transferred to the custody and control of the state, to remain public property, and the laws to which said property has been hitherto subjected may hereafter be applied, by the state, or its proper authority.

Sec. 2. Be it further enacted, That this act shall take effect from and after its passage, the public interests requiring it.

Passed January 18, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives

SEID WADDELL,
Speaker of the Senate

Approved January 25, 1899.

BENTON McMILLIN,
Governor

CHAPTER 51.

HOUSE BILL No. 221.

AN ACT to repeal chapter 134, of the Acts of 1897, the same being an act entitled "An act to exempt DeKalb county from the provisions of the fish law, as set forth in chapter 127, Acts of 1895, so as to allow citizens of DeKalb county, Tennessee, to catch, kill, or wound any fish of the streams, lakes, rivers, or ponds of DeKalb county, Tennessee, by seine, trap, gun, grabbling with hands, gig, or in any way except the killing or wounding, or destroying by means of poison or explosion.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That chapter 134, of the Acts of 1897, be, and the same is hereby, repealed.

Sec. 2. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed January 26, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved January 28, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 52.

HOUSE BILL No. 123.

AN ACT to amend an act entitled "An act to establish taxing districts in this state, and to provide the means of local government for the same," passed January 29, 1879, and to amend the act of April 1, 1897, chapter 297, so as to provide that there may be appointed one policeman for every 750 inhabitants, according to the federal census of 1890, or any subsequent federal census.

Section 7. Be it enacted by the General Assembly of the State of Tennessee, That the act of January 29, 1879, establishing taxing districts, and the act of April 1, 1897, chapter 297, be, and the same shall be, amended as to provide that the fire and police commissioners may appoint one policeman for every seven hundred and fifty inhabitants of such district, according to the federal census of 1890, or any subsequent federal census, and the provision of said act of April 1, 1897, to the effect that the number of policemen allowed under said act shall not be exceeding the number of policemen then authorized, is now repealed.

Sec. 2. Be it further enacted, That this act shall have effect from and after its passage, the public safety requiring it.

Passed January 18, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives

SEID WADDELL,
Speaker of the Senate

Approved January 25, 1899.

BENTON McMILLIN,
Governor

CHAPTER 53.

HOUSE BILL No. 185.

AN ACT to amend an act entitled "An act to establish taxing districts in this state, and to provide the means of local government for the same," passed January 29, 1879, so as to extend and enlarge the duties and powers of the city attorney in taxing districts having a population of 60,000 or more, according to the census of 1890, or any subsequent federal census, and provide for his compensation.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That an act entitled "An act to establish taxing districts in this state, and to provide the means of local government for the same," passed January 29, 1879, be, and the same is hereby, amended so as to provide that hereafter it shall be the duty of the city attorney, in taxing districts having a population of 60,000 or more, according to the census of 1890, or any subsequent federal census, in addition to the duties now incumbent upon him, to prosecute or defend, as the case may be, all suits brought by, or against the city, the county trustee, or the county assessor, involving the assessment or collection of city taxes; and all fees and commissions now allowed by law to the attorney employed for the collection of delinquent city taxes, shall not be paid to such attorney, but shall be turned into the city. City attorney, certain duties.

Sec. 2. Be it further enacted, That hereafter the compensation of said city attorney shall be three thousand six hundred dollars per year, to be paid in monthly installments. Salary.

Sec. 3. Be it further enacted, That this act take

effect from and after its passage, the publ
requiring it.

Passed January 28, 1899.

JOSEPH W. BYRN
Speaker of the House of Represe

SEID WADDEI
Speaker of the

Approved January 28, 1899.

BENTON McMILLI
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CHAPTER 54.

HOUSE BILL No. 325.

AN ACT authorizing Jefferson county to
and maintain free ferries.

Section 1. Be it enacted by the General
of the State of Tennessee, That the county
son, through its quarterly county court, is l
thorized and empowered, at such place or
they deem to the best interest of the publ
or all points where a ferry is now, or may
be established as required by law, across ar
or streams running through said county, to
all boats and their necessary equipments an
such labor as may be required to transpor
sons, together with their effects, across saik
Said ferries shall be free to all persons ap
transportation. The cost of the boats and th
ments, and cost of keeping said ferry, or fer
be paid by warrant of the chairman of tl
court, drawn upon the trustee of saic
out of the fund collected for general county
Provided, That nothing in this act shall ha
fect of taking away the right of the bank c
either of them to keep such ferries, as is now
by statute.

Sec. 2. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed March 18, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved March 23, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 55.

HOUSE BILL No. 124.

AN ACT to authorize the fire and police commissioners of the city of Memphis to repay and allow credit for certain taxes collected under the annexation Act of February 5, 1898.

Section 1. Whereas, certain taxes have been collected by the city of Memphis, in the territory annexed to said city by the act of February 5, 1898; and, whereas, said act of annexation has been held invalid by the supreme court, Therefore, Be it enacted by the General Assembly of the State of Tennessee, That the fire and police commissioners of said city are hereby authorized and empowered to repay said taxes, with or without interest, as they may desire, either in cash or by crediting the same upon the next tax bills, or any delinquent tax debts due to said city by such persons as have paid taxes in said annexed territory for the year 1898; and said taxes may be repaid, or credited, whether the same were paid under protest or not.

2. Be it further enacted, That this act shall

take effect from and after its passage, the public fare requiring it.

Passed January 18, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives

SEID WADDELL,
Speaker of the Senate

Approved January 25, 1899.

BENTON McMILLIN,
Governor

CHAPTER 56.

SENATE BILL No. 92.

AN ACT to protect fish in the county of Hardin
to provide for the punishment of violators
act.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That hereafter it shall be unlawful for any person to take, catch, destroy or wound fish in any of the waters of Hardin County, Tennessee, except by angling with bait, hook and line, or trot line; Provided, That this act shall not apply to the Tennessee river. But it shall be unlawful to catch fish, or obstruct the free passage of the same in going into or out of any stream running into the Tennessee river in said county of Hardin by means of any net, dam, rack, or otherwise, in or on any stream within one-half mile of the mouth of the stream, except by angling with bait, hook and line, or trot line, as aforesaid.

Sec. 2. Be it further enacted, That nothing in this act shall be so construed as to prevent any person from catching minnows for bait, in any manner which they see proper.

Sec. 3. Be it further enacted, That any person violating any of the provisions of this act, shall

guilty of a misdemeanor, and when the violation of this act is, by the use of dynamite, giant powder, or any other explosive substance, or by the use of any poison, the violator, upon conviction, shall be fined not less than twenty-five dollars for each offense, and imprisoned in the county jail, or workhouse, not less than thirty days.

Sec. 4. Be it further enacted, That the grand jury shall have inquisitorial power for any violation of this act, and shall send for witnesses, as in other cases in which it has inquisitorial power, and no prosecutors shall be required in such cases. And it shall be the duty of the circuit, or criminal judge holding court in said county of Hardin, to give this act in charge at each term of the court.

Sec. 5. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Adopted January 25, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved January 27, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 57.

SENATE BILL No. 190.

AN ACT to protect partridges and other game birds
in the county of Wilson.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That it shall be unlawful for any person to hunt, kill, or capture any partridge in the county of Wilson, from the first of March to the first day of November next ensuing of any year.

Sec. 2. Be it further enacted, That it shall be lawful for any person to hunt, kill, or capture partridge, at any time, in the county of Wilson, land not owned or occupied by him, unless he shall first have obtained written permission from the owner or occupant thereof.

Sec. 3. Be it further enacted, That it shall be lawful for any person to hunt, kill or capture partridges in the county of Wilson, on his own land or on land occupied by him, or on the land of another after having obtained the written permission of the owner or occupant, at any time between the first of November and the first day of March next ensuing of any year.

Sec. 4. Be it further enacted, That it shall be lawful for any person to hunt, kill, or capture dove, lark, robin, or other game bird, in the county of Wilson, between the first of April and the first of August next ensuing of any year.

Sec. 5. Be it further enacted, That it shall be lawful for any person to hunt, kill, or capture dove, lark, robin, or other game bird, at any time in the county of Wilson, on land not owned or occupied by him, without having first obtained written permission from the owner or occupant thereof.

Sec. 6. Be it further enacted, That it shall be lawful for any person to hunt, kill, or capture doves, larks, or robins, on his own land, or on land occupied by him, or on land owned by another, after having obtained the written permission of the owner or occupant, at any time between the first of any August and the first day of April next, following.

Sec. 7. Be it further enacted, That every person violating any provision of either the first, second, fourth, or fifth sections of this act, shall be guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not less than twenty dollars, nor more than fifty dollars, and imprisonment in county jail, at the discretion of the court.

Sec. 8. Be it further enacted, That the grand jury for said county shall have inquisitorial authority over all offenses under this act, and, upon probable cause, shall make presentment, without a prosecution.

and that the judge having criminal jurisdiction in said county shall give this act specially in charge to the grand jury, at every term of the court.

Sec. 9. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed March 2, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved March 3, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 58.

HOUSE BILL No. 190.

AN ACT to abolish the corporation of the town of Rutherford, in Gibson county, Tennessee, and to repeal section 7, of chapter 88, of the Acts of 1859-60, entitled "An act to incorporate the town of Milton, in Rutherford county, the town of Rutherford, in Gibson county, and for other purposes, also to repeal chapter 252, of the Acts of 1891, entitled an act to amend said section 7, chapter 88, of the Acts of 1859-60.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That an act passed February 28, 1860, it being section 7, of chapter 88, of the Acts of 1859-60, entitled an act to incorporate the town of Milton, in Rutherford county, to incorporate the town of Rutherford, in Gibson county, and others. so, an act passed March 24, 1891, it being chapter 2 of the Acts of 1891, entitled an act to amend section 7, of chapter 88, of the Acts of 1859-60, in regard to said corporation of Rutherford, be, and the

y, repealed, and that the corporation of Rutherford is hereby abolished. It is further enacted, That all the rights and franchises by said acts of incorporation granted and declared vacant; Provided, that it shall not annul or impair any obligation of said town of Rutherford. That this act take effect from and after the date of its passage.

may 24, 1899.

JOSEPH W. BYRN
er of the House of Represen

SEID WADDEI
Speaker of the

February 27, 1899.

BENTON McMILLI
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CHAPTER 59.

HOUSE BILL No. 120.

rant certain school privileges
; within one-half mile of
Memphis.

e it enacted by the General
 Tennessee, That hereafter
 e age now required by law,
 half a mile of the limits of t
 d limits now are, or may be
 received in and have the right
 the public schools inside th
 est to their respective place
 years, from date of the passa

Sec. 2. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed January 28, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved January 28, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 60.

HOUSE BILL No. 288.

AN ACT to fix the rate of taxation for state purposes for the year 1899, and subsequent years, and to repeal all laws and parts of laws in conflict herewith.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the taxes on every \$100 worth of property shall be fifty cents (50c.) for the year 1899 and for every subsequent year thereafter, thirty-five (35) cents of which shall be for state purposes, and fifteen (15) cents for school purposes.

Sec. 2. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed January 26, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

proved January 27, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 61.

HOUSE BILL No. 128.

AN ACT to amend an act entitled "An act to establish taxing districts in this state, and to provide means of local government for the same," passed January 2, 1879, and approved January 31, 1879, being chapter 11, Acts of 1879, and the amendments thereto, so as to prohibit the discharge of the officers and employees of certain departments except after trial; to provide for the examination and appointment of candidates for positions in such departments; and to provide rules and regulations for the improvement of the municipal service; and to provide for the retirement of members of the fire and police departments at a certain age, after twenty-five years of service, with a certain specified salary; and to further provide for officers and men injured while in the discharge of their duty, and for the dependent families of officers and men killed in the performance of duty, and to provide a fund, from which moneys for these purposes shall be paid.

Charges
against em-
ployees penal-
ties imposed.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the act entitled "An act to establish taxing districts in this state, and to provide the means of local government for the same," passed January 29, 1879, and approved January 31, 1879, being chapter 11, Acts of 1879, and the amendments thereto, be, and the same are hereby, so amended as to provide that hereafter no officer, or employee of the police, fire, engineering, or sanitary departments shall be dismissed without his written consent except by the decision of the board of fire and police commissioners, sitting as a court, and the concurrence of two commissioners shall be sufficient to order a dismissal; and there shall be no appeal from the decision, but they may grant a new trial within six

days, for newly discovered evidence, but no more than one new trial shall be granted. Such decision shall only be determined by a trial of charges with plain specifications in writing, made by, or lodged with the mayor, of which the accused shall have at least five days' notice before trial, and at the trial he shall have the right to be present in person. The mayor, as the presiding officer of said court, shall have power to issue and enforce process to secure the attendance of witnesses, to administer oaths to witnesses and to preserve order and punish for contempt. Such charges may be of disability for service, in which case the decision may be for honorable discharge from the service, or the charges may be for the neglect or violation of law or duty, inefficiency, intemperance, disobedience of orders, or unbecoming official or personal conduct, in which case the decision may be to impose fines and pecuniary penalties, to be stopped from pay, or to suspend from pay or duty, or both, for a period not exceeding one year, or to dismiss from the service.

Sec. 2. Be it further enacted, That all applications for positions in the fire, police, sanitary and engineering departments shall be in writing, and filed with the city secretary, and no person shall be eligible to appointment in any one of the said departments until he shall have first passed an examination, to determine his fitness for the duties of the position applied for. These examinations shall be held every three months, by boards of examiners, to be appointed by the commissioners, and the members of said boards shall be limited to three, and hold office for a period of one year from appointment, and shall be remunerated for such services in a sum to be fixed by the fire and police commissioners. The board of examiners shall be composed of taxpayers not holding municipal office. The results of these examinations shall be graded, and the lists of eligibles in each department, and the grade of each, shall be filed with city secretary, and shall be open to public inspection. Every vacancy in said departments shall be filled by the appointment of one of the five persons ranking highest on the list of eligibles in the depart-

Applications
for positions:
examination;
vacancy, how
filled.

ment where the vacancy occurs; Provided, however, That any vacancy may be filled by the promotion of a person holding a subordinate position in the same department.

Qualification
of applicants.

Sec. 3. Be it further enacted, That no person shall be entitled to examination, or appointment, unless he has good moral character and temperate habits, and the burden of showing good character shall, in all cases, be upon the applicant. He shall be 21 years of age and shall have been a resident of the city for three years preceding the date of his appointment.

To whom act
applies.

Sec. 4. Be it further enacted, That this act shall apply to the chief, assistant chief, captains and sergeants of the fire department, the chief of police, captains and sergeants of police, the officers and members of the sanitary department and board of health, the officers and members of the engineer's department. But nothing in this act shall apply to the license inspector, or to laborers in the city's employment.

Temporary ap-
pointments.

Sec. 5. Be it further enacted, That temporary appointments may be made without competitive examinations, for special or temporary purposes for a period not exceeding thirty days. No one dismissed from the service for misconduct, shall be eligible to appointment in any capacity, in any department within three years from the date of dismissal.

Civil service
rules.

Sec. 6. Be it further enacted, That the fire and police commissioners shall have the power, and it shall be their duty, to prescribe and publish civil service rules and regulations. They shall prescribe regulations for the examination of candidates for appointment, the subjects upon which applicants shall be examined in each department, and the value to be given to each subject; and they may establish such other regulations as they may deem proper to carry out the provisions of this act.

Retirement on
salary.

Sec. 7. Be it further enacted, That any officer or member of the fire or police departments, who has been in the city's employ as a member of either department for a period of twenty-five years, and reached the age of sixty-five years, shall be honorably retired from service, with a salary equal to one-third of the amount received by him at period of

tirement, said sum to be paid in monthly installments, unless the city finds a suitable position for him in another department, and that his salary be not less than one-third of the salary formerly received by him. The fund for this purpose to be derived from _____ percentage of the annual budget of these departments, to be hereafter fixed by the legislative council; said sum to be deducted and set apart each year into a separate fund for this special purpose.

Sec. 8. Be it further enacted, That if any officer, or member of the fire or police departments shall, in the performance of the duties of his respective position, be injured so as to be incapacitated for duty for a period of twelve months, he shall receive the same salary as when in active service, and if injured so as to be permanently unfitted for working for a livelihood, he shall be retired on a salary one-third of the amount of that drawn when in active service, at period of receiving injuries, unless the city finds a suitable position for him in another department. The moneys to be paid from the fund mentioned in section 7 of this act.

Injured employe, salary.

Sec. 9. Be it further enacted, That if any officer, or member of the fire and police departments shall be killed while in the performance of duty, and leave a family that was dependent upon him for support, said dependent family shall, for a period of ten years, receive a sum, monthly, from the city equal to one-third the amount of salary paid said fireman or policeman at the time of death. This sum shall be paid first to the widow during her widowhood; if there is no widow, then the sum shall be distributed equally among the children under sixteen years of age, and shall be paid only to a guardian properly qualified to receive it; if there is no widow, and there are no children, then the sum may be paid to the mother, during her widowhood, if she be dependent upon said employe; if there is no wife or mother, and no children, then the sum may be paid to any unmarried sister, or sisters dependent on such employe for support. If there is no widow or mother, and no children or sisters, no other next of kin shall receive any sum or have any claim against the city. The moneys to be

Employe killed sum paid, to whom.

paid from the sum set apart for such purposes, specified in section 7 of this act.

Failure to
pay debts
cause for dis-
charge.

Sec. 10. Be it further enacted, That it shall be sufficient cause for the discharge of any fireman, policeman or any other employe who may come under the operations of this bill, that does not pay his just debts, incurred subsequent to his appointment.

Sec. 11. Be it further enacted, That this act take effect from and after March 1, 1899, the public welfare requiring it.

Passed January 26, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved January 28, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 62.

SENATE BILL No. 86.

AN ACT to amend the charter of incorporation of the Holston Institute, and to authorize and empower said corporation to sell real estate.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the charter of incorporation of "Holston Institute," in the county of Sullivan, be so amended as to authorize and empower said "Holston Institute" to sell and make valid deeds of conveyance for any real estate now owned by said corporation, or that it may hereafter acquire, by purchase, gift or devise which may be in excess of the real estate necessary for the transaction of the corporate business.

Sec. 2. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Adopted January 26, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved February 23, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 63.

HOUSE BILL No. 129.

AN ACT to amend chapter 127, Acts of 1895, relative to protection of fish in Polk county.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That chapter 127, of the Acts of 1895, being entitled "An act for the protection of fish in the State of Tennessee," be so amended as to exclude Polk county from the provisions and operations of said act, except as to the killing of fish by poison, dynamite, and other explosives; And provided, That no trap shall be so constructed as to prevent the free passage of fish at any tide of water up and down the streams of said county.

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with this act, be, and the same are hereby, repealed.

Sec. 3. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed March 23, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved March 27, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 64.

SENATE BILL No. 85.

That chapter 36, of the Acts of the State of Tennessee, entitled "An act to reorganize the chancery court of Shelby county."

As enacted by the General Assembly of Tennessee, That chapter 36, entitled "An act to reorganize the chancery court of Shelby county," passed February 27, 1899, is hereby repealed.

And the Senate further enacted, That all cases of Part 2, of said court, or of Part 2, be transferred to, and stand on the regular dockets corresponding to the chancery court of Shelby county.

And the Senate further enacted, That this act shall take effect after the first Monday in April, next, requiring it.

Passed February 25, 1899.

SEID WADDELL,
Speaker of the Senate

JOSEPH W. BYRNS,
of the House of Representatives

February 27, 1899.

BENTON McMILLIN,
Governor

CHAPTER 65.

HOUSE BILL No. 274.

AN ACT to authorize the mayor and aldermen of the town of Collierville, a municipal corporation in the county of Shelby, to issue interest-bearing bonds for the purpose of raising money to be used in purchasing, paying for, improving, repairing, maintaining, and extending a system of waterworks within its corporate limits.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the mayor and aldermen of the town of Collierville, a municipal corporation and body politic, situated in the county of Shelby, is hereby authorized and empowered to issue interest-bearing bonds, payable in lawful money of the United States, not exceeding in amount the sum of two thousand (\$2,000) dollars, for the purpose of raising money to be used in purchasing, paying for, improving, repairing, maintaining, and extending a system of waterworks within the corporate limits of said town. May issue bonds.

Sec. 2. Be it further enacted, That said bonds shall be, each of the denomination of one hundred (\$100) dollars, shall bear interest from their date, at the rate of six per cent. per annum, payable annually, and shall mature in ten (10) years from their issuance; Provided, Said mayor and aldermen of the town of Collierville are hereby empowered, at their option, to call in and pay off, any or all of said bonds at any time after two years from their issuance. Denomination, term, etc.

Sec. 3. Be it further enacted, That the said bonds all be numbered in consecutive order as they are issued, commencing with one and ending with twenty, so many shall be issued. They shall be signed by the mayor, and countersigned by the register of said municipality, and shall be bound in substantial book form, with a suitable stub for each bond, upon which shall be entered the number, date, and amount Numbering, binding, etc.

of the bond, the date of its issuance, date of maturity rate of interest, to whom issued and the amount paid therefor; also, the date when such bond is redeemed or paid.

Sec. 4. Be it further enacted, That said bonds may be issued with, or without interest coupons, as the mayor and aldermen of said municipality shall, by resolution or ordinance, direct or determine.

Sec. 5. Be it further enacted, That no bond issued under the provisions of this act, shall be sold at less than its par or face value, that is to say, one hundred cents to the dollar.

Sec. 6. Be it further enacted, That when any of said bonds is called in for payment, as provided in section 2 of this act, notice shall be given by said municipality to the holder of such bond, personally, or by three publications in a newspaper published in Shelby county, to present same for payment on a day fixed at least thirty days after such personal notice or after the last publication above provided for, and if the same be not presented at the time so named interest thereon shall cease, and not be collectible from that day.

Sec. 7. Be it further enacted, That said mayor and aldermen of the town of Collierville, shall create in said bonds, and cause to be declared therein a lien for security of their payment, upon the land, machinery, wells, tanks, watermain, and other property of said waterworks plant, and upon the franchises appertaining thereto.

Sec. 8. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed February 25, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved February 27, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 66.

HOUSE BILL No. 117.

AN ACT to amend section 9, of chapter 84, of the Acts of 1893, establishing the position of street commissioner in certain taxing districts, so as to provide that after January 1, 1900, the street commissioner shall be elected, and his compensation fixed by the legislative council.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That section 9, of chapter 84, of the Acts of 1893, establishing the position of street commissioner in certain taxing districts, be, and the same is hereby, so amended as to provide that after January 1, 1900, the street commissioner shall be elected by the board of fire and police commissioners, upon nomination of the mayor, for such a term as the legislative council may determine. He shall have had experience in street building, and be thoroughly conversant with the materials to be used; and the legislative council shall have power at the time of such election to fix the compensation of such street commissioner, for the time for which he is elected. After January 1, 1900, the legislative council shall provide, by ordinance, the powers and duties of such street commissioner, and fix the amount of his bond.

Sec. 2. Be it further enacted, That the legislative council shall have power to abolish the position of street commissioner altogether, during such times as may be deemed best.

Passed January 28, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved January 28, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 67.

HOUSE BILL No. 41.

AN ACT to repeal a part of section 13, chapter 2 Acts of 1897.

Section 1. Be it enacted by the General Assem of the State of Tennessee, That that part of section chapter 209, Acts of 1897, which reads as follows, and the same is hereby, repealed, to wit: The county trustee of Henry county be, and he is hereby, required to pay over, on the warrants issued by the rectors, the school fund assessed and collected by him on property, polls and privileges within the corporate limits of the city of Paris, to be used by said directors as hereinbefore directed and provided; and, also, pay over to, and on account of the said directors, pro rata of the common, or public school funds, that shall come into his hands from the State of Tennessee, according to the scholastic population of a city, and as the same is paid to other directors in the county. The clerk of the Henry county court shall report to the county trustee the amount realized from him for school purposes, from merchants and privileges within the city, and such amount shall pass, be placed to the credit of said directors, by the trustee as in the case of poll and property tax paid the trustee for school purposes, as above provided.

Sec. 2. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed February 23, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved February 25, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 68.

HOUSE BILL No. 127.

AN ACT to amend an act entitled "An act to establish taxing districts in this state, and to provide the means of local government for the same," passed January 29, 1879, and the amendments thereto, so as to confer power upon said taxing districts to condemn the plant, franchises and property of any waterworks company furnishing water to such taxing districts and their inhabitants, and to provide means for paying for such waterworks company.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the act, entitled "An act to establish taxing districts in this state, and to provide means of local government for the same," passed January 29, 1879, be, and the same is hereby, so amended as to authorize and empower such taxing districts to condemn and take, under the power of eminent domain, the plant, wells, tunnels, machinery, mains, pipes, franchises, choses in action and property of every character and description, of any waterworks system owned by any person, firm or corporation, and furnishing water to such taxing district and its inhabitants, and such taxing district may condemn the property of such waterworks system, situated without, as well as within the limits of such taxing district.

May condemn
property of
waterworks
system.

Sec. 2. Be it further enacted, That the procedure for the condemnation of any waterworks system, by a taxing district, shall be the same as that now provided by law for the taking of private property for public uses.

Procedure.

Payment; powers of taxing district.

Sec. 3. Be it further enacted, That for the purpose of paying for any waterworks system condemned as aforesaid, the taxing district so condemning the same shall have power to issue the bonds, and make guaranties, contracts, agreements and regulations, and exercise all the powers now conferred by law, or that may be hereafter conferred upon such taxing districts, in cases where such taxing districts purchase, or acquire control of waterworks systems, by negotiation or appraisement, and in case of such condemnation it is now especially provided that such taxing district shall have all the powers conferred upon it by the act of January, 1899, and after such condemnation, such waterworks system shall be operated and maintained in the manner provided in said act.

Case of contract with water company.

Sec. 4. Be it further enacted, That this act shall not be so construed as to prevent the exercise of the power of condemnation herein conferred, in cases wherein any taxing district now has, or may hereafter have, a contract with any water company, providing that such taxing district may take the property of any water company at a value to be fixed by arbitrators, or appraisers, it being intended that the power of condemnation may be exercised, as well in case of the existence of such contracts, as without them.

May condemn private property, for what.

Sec. 5. Be it further enacted That after the plant and property of any waterworks system shall have been taken under powers conferred by this act, such taxing district, city or town, so taking the same, shall have the power to condemn private property, and the right of laying pipes and conductors, and may exercise such power under the provisions of law now existing with respect to the right of eminent domain, and such power may be exercised in order to obtain sites for the buildings, reservoirs, mains, water towers, and in order to obtain any lands or easements necessary for the construction or operation of said system of waterworks, and such right of condemnation hereby conferred, whether the land lies within or without the limits of said taxing district, city, or town.

Sec. 6. Be it further enacted, That this act take

effect from and after its passage, the public welfare requiring it.

Passed January 26, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved January 28, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 69.

SENATE BILL No. 66.

AN ACT to amend an act, passed February 25, 1879, approved February 27, 1879, declaring Big Hatchie river navigable from its mouth to the point where the Mississippi Central, now the Illinois Central railroad, crosses said river, in Hardeman county, Tennessee.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That an act passed February 25, 1879, approved February 27, 1879, be, and is so amended, as to close to navigation Big Hatchie river, from the point where the Illinois Central railroad crosses said river, in Hardeman county, Tennessee, to the point where the dividing line between the counties of Hardeman and Haywood crosses said river, provided no obstruction shall be placed in said river, so as to prevent the easy passage of rafts and flatboats.

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with this act, be, and the same are hereby, repealed.

Sec. 3. Be it further enacted, That this effect from and after its passage, the public requiring it.

Adopted January 26, 1899.

SEID WADDELI
Speaker of the S

JOSEPH W. BYRNE
Speaker of the House of Representa

Approved February 24, 1899.

BENTON McMILLIN
Gov

CHAPTER 70.

HOUSE BILL No. 9.

AN ACT to protect quail or partridges in
county.

Section 1. Be it enacted by the General A of the State of Tennessee, That it shall be . meanor for any person to hunt, capture, kil wound or destroy any partridges, or quail county of Carter, from the first day of Api the 15th day of November in each year.

Sec. 2. Be it further enacted, That it sh misdemeanor for any person, or persons, to kill, shoot, or wound or destroy any quail, ridge, on the lands of any person, at any tin out first obtaining permission from the owner

Sec. 3. Be it further enacted, That whoe violate either of the first two sections of this be fined not less than five, nor more than ten for each offense, one-half of such fines to g party suing, and the other half to go to th school funds of the county.

Sec. 4. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed March 1, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved March 2, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 71.

HOUSE BILL No. 1.

AN ACT to amend chapter 12, of the Acts of 1847-48, entitled "An act to incorporate the town of Bolivar, in the county of Hardeman," and to fix the time and manner of the election of mayor, aldermen and town marshal of said town.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That section 4, of chapter 12, of the Acts of 1847-48, be so amended as to provide that the qualified voters in said town of Bolivar shall, on the first Tuesday after the third Monday in January of each year, open and hold an election in said town for seven (7) aldermen, a mayor and a town marshal, who shall hold their offices for twelve months, and until their successors are elected and qualified.

Sec. 2. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed January 5, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved January 6, 1899.

ROBERT L. TAYLOR,
Governor.

CHAPTER 72.

HOUSE BILL No. 39.

AN ACT to repeal chapter 285 of the Acts of the same being entitled an act to amend an act approved May 10, 1895, being chapter 127 of the regular session of 1895, entitled "An act for the protection of fish in the State of Tennessee."

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That chapter 285 of the regular session of 1897, passed April 5, 1897, approved April 7, 1897, entitled an act to amend an act approved May 10, 1895, being chapter 127 of the regular session in 1895, entitled an act for the protection of the fish in the State of Tennessee, and the same is hereby, repealed, so that the code of Giles shall fall under and be governed by chapter 127 of said regular session of 1895.

Sec. 2. Be it further enacted, That this act shall have effect from and after its passage, the public welfare requiring it.

Passed January 19, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives

SEID WADDELL,
Speaker of the Senate

Approved January 21, 1899.

BENTON McMILLIN,
Governor

CHAPTER 73.

HOUSE BILL No. 72.

AN ACT to regulate and define the duties, jurisdiction, and compensation of the county judge for Marion county, and to amend an act passed March 27, 1891, being chapter 199 of the Acts of 1891, entitled "An act to create and regulate the office of county judge for Marion county, and to define his duties and jurisdiction."

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That section 3 of chapter 199 of the Acts of 1891, entitled "An act to create and regulate the office of county judge for Marion county, and to define his duties and jurisdiction, be amended by adding to said section the words "and shall make an official bond in the penalty of twenty-five thousand (\$25,000) dollars, to be approved by the judge of the circuit court, and filed in the office of secretary of state, conditioned upon the faithful discharge of the duties of his office as financial agent of the county in accordance with the provisions of this act, and the general laws of the state, provided the present incumbent, the Hon. Jno. G. Kelly, shall file such bond in sixty days after the passage of this act, or in case of failure to comply with this provision, said office shall be declared vacant, and such vacancy filled by appointment by the governor. Official bond.

Sec. 2. Be it further enacted, That section 6 of said act be amended by striking out of said section and repealing the words "and all control of county is, county convicts, and the workhouse of the city."

3. 3. Be it further enacted, That section 8 of said act be amended by adding to the fourth paragraph thereof these words, "But no warrant shall be drawn upon the county treasury except upon the itemized statements of the claimants, which

statements shall be kept on file in the office of county judge, subject to public inspection."

Sec. 4. Be it further enacted, That section 8 said act be further amended by striking out and pealing paragraphs 10 and 11 of said section beginning with the words "the judge has jurisdiction all roads," etc., to the end of the section.

Sec. 5. Be it further enacted, That section 11 said act providing for the appointment of an agent or attorney be stricken out and repealed.

Sec. 6. Be it further enacted, That section 15 said act regulating the compensation of said county judge be amended so as to read as follows: "That compensation of said county judge shall be \$500 annum, and such other compensation as may be allowed him by the county court composed of justices on the first Monday in January of each year as the financial agent of the county, not to exceed \$100 (one hundred) dollars per annum additional."

Sec. 7. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed January 25, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives

SEID WADDELL,
Speaker of the Senate

Approved January 27, 1899.

BENTON McMILLIN,
Governor

CHAPTER 74.

HOUSE BILL No. 147.

AN ACT to amend section 1 of chapter 269 of the Acts of the General Assembly of 1897, entitled "An act to protect quail or partridge, their nests and eggs," so as to provide that the owner of land may hunt, kill, net, or trap partridges or quail on his own land.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That section 1 of chapter 269 of the Acts of the General Assembly of 1897, entitled "An act to protect quail or partridges, their nests and eggs," be amended so as to add the following language to said section 1, to wit: Provided, That the owner of land may hunt, kill, net, trap, shoot, wound, or capture quail or partridge on his own premises, or authorize others so to do, from the first day of December until the first day of February of each year; Provided, That no one shall be permitted to ship quail or partridge, dead or alive, out of Bedford county for profit.

Sec. 2. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed January 28, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved February 24, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 75.

SENATE BILL No. 32.

AN ACT to change the western corporation line of the city of Selmer, Tennessee.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the western corporation line of the city of Selmer, Tennessee, be changed from its former location so as to run as follows: Beginning at a point on the southern corporation line of said city of Selmer, opposite the western boundary of Seventh street, or, in other words, where said western boundary of Seventh street, if extended southward, would touch said southern corporation line, and running thence in a northern direction straight to where Eighth street intersects Cypress avenue, and thence in a northern direction along the western boundary of said Eighth street to an alley which divides block "S," as shown on the map of said city of Selmer; thence along the southern boundary of said alley to Ninth street; thence along the eastern boundary of said Ninth street to and across Court avenue, and straight on to the northern corporation line.

Sec. 2. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Adopted January 18, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved January 19, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 76.

HOUSE BILL No. 7.

AN ACT entitled an act to repeal an act passed by the General Assembly of the State of Tennessee on March 17, 1897, and to provide for the taking of fish in the running streams of Carter county.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That an act passed on March 17, 1897, prohibiting the taking of fish from the running streams of Carter county from the 1st day of March to the 1st day of June in each year, and permitting the same to be taken thereafter by gigging, shooting, or with the hands, be, and the same is hereby, repealed.

Sec. 2. Be it further enacted, That hereafter fish shall only be taken in the running streams of water in Carter county by use of the ordinary hook and line, or trot line, and by hand; Provided, That minnows for fish bait not exceeding four inches in length may be taken by dip or minnow nets; Provided further, That fish may be taken by gig from the first day of November in each year to the first day of February of succeeding years.

Sec. 3. Be it further enacted, That any person taking fish in any of the running streams of water in Carter county at any season of the year by use of sein, basket-net, grab-hook, dam, gun, or gig except as provided in this act shall be guilty of a misdemeanor, and shall, upon conviction, be fined not less than twenty-five nor more than fifty dollars, and imprisoned, at the discretion of the court.

Sec. 4. Be it further enacted, That any person taking, catching, killing, or destroying fish in any of the running streams of water in Carter county by use of amite or any explosive substance or poisonous substances, such as fish berries, or indian berries, or other stances, shall be guilty of a felony, and shall, upon conviction, be imprisoned in the penitentiary not less than one nor more than three years.

Sec. 5. Be it further enacted, That the grand jury of Carter county have inquisitorial power under provisions of this act, and that it take effect and after its passage, the public welfare requiring.
Passed March 1, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives

SEID WADDELL,
Speaker of the Senate

Approved March 3, 1899.

BENTON McMILLIN,
Governor

CHAPTER 77.

HOUSE BILL No. 487.

AN ACT to be entitled an act to amend an act passed May 7, 1895, and approved May 10, 1895, entitled "An act for the protection of fish in the State of Tennessee," so as to permit the taking of fish in Bradley county by any means except poison and explosion.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That an act passed March 1, 1895, approved May 10, 1895, entitled, "An act for the protection of fish in the State of Tennessee," and hereby is, so amended as to permit the taking of fish in the county of Bradley by any means except poison and explosion, traps and wing nets.

Sec. 2. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed March 23, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives

SEID WADDELL,
Speaker of the Senate

Approved March 27, 1899.

BENTON McMILLIN,
Governor

CHAPTER 78.

HOUSE BILL No. 369.

AN ACT to authorize and enable the mayor and aldermen of the town of Brownsville, Tennessee, to issue coupon bonds in an amount not exceeding twenty-seven thousand five hundred dollars, to improve and extend the waterworks plant of said town, and to pay off outstanding bonds issued to purchase said plant.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the mayor and aldermen of the town of Brownsville, Tennessee, be, and they are hereby, authorized and empowered in their corporate capacity to issue interest bearing coupon bonds of said town, signed by the mayor and countersigned by the recorder of said town, to an amount not to exceed the sum of twenty-seven thousand five hundred dollars (\$27,500), and of the proceeds of which (\$15,000) shall be used exclusively for the purpose of improving and extending the present waterworks plant of said town, and the balance of which (\$12,500) shall be used in funding and calling in and paying off and retiring the bonds of said town for that amount now outstanding and issued under chapter 55, Acts of 1895; Provided, however, That said bonds shall not be issued until an election is held in said town to determine whether the legal voters of said town favor the issuance of said bonds.

May issue
bonds: pur-
pose: election
as to issuance.

Sec. 2. Be it further enacted, That the mayor and aldermen of said town shall, by ordinance, appoint some suitable time at which to hold said election, and that all persons who are qualified voters to vote for mayor and aldermen of said town shall be entitled to vote in said election, and that said election shall be called and held and conducted in all respects by the same officers, and under the same regulations by law, as are the elections for mayor and aldermen for said town, except as herein otherwise provided. That

As to election.

Denominations, etc.

upon the official ballot shall be printed the words "For the Bonds" and "Against the Bonds," and if three-fourths of the votes cast in said election shall be in favor of the bonds, then the said bonds shall be issued. Said bonds shall be issued in denominations of \$100 to \$1,000, as the board of aldermen shall direct, and with coupons attached, interest to be paid annually, and not to exceed six per cent. per annum. Said bonds shall mature in twenty years, and shall not be sold or hypothecated for less than 100 cents of the dollar. Said bonds to be payable in legal tender money of the United States.

How funds expended; bond from treasurer.

Sec. 3. Be it further enacted, That \$15,000 of money arising from the sale of the bonds herein provided for shall be expended under the ordinance and direction of the board of mayor and aldermen of the town of Brownsville, Tennessee, in improving and extending the waterworks plant of said town, provided that much is needed for said purpose, and \$12,500 of the money arising from the sale of bonds provided for herein shall be expended by the board of mayor and aldermen in calling in, paying and retiring the bonds issued under chapter 55, of 1895, now outstanding aforesaid, provided much is needed for said purpose, and that the treasurer of said board shall be required to give bonds and approved security for the safe keeping and paying of said money.

Numbering; record kept.

Sec. 4. Be it further enacted, That before bonds, or any of them, are issued, they shall all be numbered, together with the coupons attached, and that the date of the issuance, the number and amount of each of said bonds with the coupons thereto attached, and to whom sold or hypothecated, shall be entered by the recorder in a well bound book to be provided for that purpose, which book shall, at all times, be open to the inspection of the taxpayers of said town.

Payment of bonds and interest; sinking fund; tax.

Sec. 5. Be it further enacted, That the board of mayor and aldermen of said town shall have the right to use and expend the revenue derived from the waterworks plant or system, for the payment of bonds and the interest on same, and to provide a necessary sinking fund to enable said bonds to

paid or redeemed when due, and for the necessary and current expenses of said town. That said board of mayor and aldermen may, if necessary, levy, assess, and collect a tax from year to year upon taxable property, polls, and privileges of said town to pay for the principal and interest on said bonds, and to create a sinking fund; Provided, The levy for all purposes, for any year, shall not be greater than \$1.50 on the \$100 of property, and that said taxes shall be collected by the recorder of said town, in the same way and manner as taxes are now collected by said town. The sinking fund herein provided for shall be used in the payment of said bonds, and the said board of mayor and aldermen shall have the right to provide, by proper ordinance, for having the provisions of this section carried out.

Sec. 6. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed March 3, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved March 17, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 79.

SENATE BILL No. 203.

AN ACT to be entitled an act to amend an act entitled an act authorizing the county court of Bradley county, Tennessee, to issue bonds for the improvement of certain public roads in said county.

Section 1. Be it enacted by the General Assembly the State of Tennessee, That section 1 of the act the General Assembly of the State of Tennessee, passed April 9, 1897, and approved April 29, 1897, titled "An act authorizing the county court of

Bradley county, Tennessee, to issue bonds for the improvement of certain public roads in said county," so amended as to read as follows: The county court Bradley county, Tennessee, a majority of the justices of the peace of said court being present and voting therefor, be, and are hereby, authorized and empowered to issue bonds of said county, not to exceed \$100,000 (one hundred thousand dollars), for the purpose of improving the following public roads in said county, to wit: The public road leading from Cleveland to Charleston; the public road leading from Cleveland to Benton to the Polk county line; the public road leading from Cleveland to Georgetown to the Meigs county line; the public road leading from Cleveland to Harrison to the James county line; the public road leading from Cleveland to Chatanooga to the James county line; the public road leading from Cleveland to Spring Place, Georgia, to the Georgia line.

Sec. 2. Be it further enacted, That section 5 of said act of April 9, 1897, so as to read as follows: That thereupon the county court shall order an issue of the bonds of the county in denominations of more than \$1,000 each, payable within a period not exceeding thirty years, with interest coupons attached, payable semiannually, and the bonds shall not bear a greater rate of interest than six per cent. per annum. Said bonds shall not be sold for less than par, and the same with interest shall be payable in lawful money of the United States.

Sec. 3. Be it further enacted, That this law take effect from and after its passage, the public welfare requiring it.

Passed March 17, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved March 23, 1899.

BENTON McMILLIN,
Governor

CHAPTER 80.

SENATE BILL No. 195.

AN ACT to incorporate the town of Sparta, in the county of White, and State of Tennessee, and to provide for the election of officers thereof, and prescribe their duties, and for other purposes.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the town of Sparta, in the county of White, and State of Tennessee, and the inhabitants thereof, be, and are hereby, constituted a body politic and corporate, under and by the name and style of the "Mayor and Aldermen of the Town of Sparta;" may sue and be sued, grant, receive, purchase, and hold real estate, mixed and personal property, and dispose of the same for the use and benefit of said town of Sparta, and may have and use a common seal, and change the same at pleasure.

Sparta incorporated: powers; seal.

Sec. 2. Be it further enacted, That the corporate limits of the said "town of Sparta" shall be as follows: Beginning at the Calfkiller river at Judge W. T. Smith's N. E. corner; thence N. W. with the meanders of the Calfkiller river to Dr. W. S. Findley's S. E. corner; thence west with his line to the Sparta and Cookeville road; thence south with the east side of the road to the north side of the Sparta and Nashville road; thence west on the north side of said road to the top of the old railroad grade; thence across said road to J. B. Snodgrass' N. W. corner; thence south with his line to his S. W. corner; thence east with his line to his S. E. corner; thence S. E. across the Sparta and McMinnville road to a cedar tree in Mrs. Anson's west boundary line; thence east with a right line from said cedar tree to N. M. Gilbert's west boundary line; thence southwardly with his line to Goodbar's corner; thence south with the line between Goodbar and Mrs. Anderson to their corner in Simerill's line; thence east with Mrs. Simerill's

Corporate limits.

line to the west side of the N., C. & St. L. R. of way; thence with the west side of said right to the south end of the switch; thence due east across the Calfkiller; thence down the river the east side to the east abutment of the bridge; thence with the railroad on the north their right of way to the south end of the switch of Sparta; thence east across the railroad to the west side of its right of way; thence with the east side of the railroad right of way to the south boundary line of property formerly owned by W. L. Gracy, thence thence west with the south boundary line of said W. L. Gracy's property, now owned by W. O. A. L. Quarles, and Alice Gracy, to the S. W. corner of Alice Gracy's property; thence north to W. D. Drell's south boundary line; thence west with said line to Beecher Hunter's east boundary line; thence north with his line to James Dibrell's south boundary line; thence east with the same to his S. E. corner; thence north and west with his line to A. O. Officer's line; thence north with his line to his N. E. corner; thence east with Mrs. Mary Simms' line to her S. E. corner in Brady Johnson's line; thence with his line to his S. E. corner; thence north with his line to the west side of the Calfkiller river; thence down said river to the west side of W. W. Hull and the east boundary line of A. Bronson; thence with said dividing line between said Hull and Bronson southwardly to the S. E. corner of the lot now owned by Mrs. Maggardson; thence with her line south to her S. E. corner; thence southwardly, a direct line passing the Bronson spring in the cedars to and across the Calfkiller river; thence up said river on the south side to the place of beginning.

Officers.

Sec. 3. Be it further enacted, That the first board of the said town of Sparta shall consist of the board of mayor and aldermen, marshal, record and treasurer of the present corporation of Sparta, A. E. Rhea, mayor; J. D. Goff, James Dibrell, V. Bronson, Fred. Casey, E. E. Carter, and W. D. Crowder, aldermen; W. D. Passons, marshal; Kirby, recorder and treasurer, provided that the present board have the power to remove said marshal and recorder as hereinafter provided in section

this act; and that they hold their said offices and be vested with all the powers of regularly elected officers for the term of one year from the passage of this act, and until their successors are elected and qualified; Provided also, That after the expiration of the term ^{Election.} of the above named officers there shall be held on the first Saturday in April, 1900, an election within the corporate limits of said town of Sparta for the purpose of electing a mayor and board of six aldermen for said town of Sparta, who shall serve for a term of one year and until their successors are elected and qualified, and an election shall be held on the first Saturday in April of each subsequent year for the purpose of electing a board of mayor and aldermen for said town of Sparta; Provided further, That the board of mayor and aldermen of said town of Sparta shall have power to appoint officers, judges, and clerks to hold said election under the general rules and regulations prescribed by law for holding general State, county, and municipal elections; Provided further, All vacancies in the board of mayor and aldermen shall be filled by the remaining members of said board. In all elections held under this act, all persons living within the ^{Electors 'who qualified.} limits of said corporation for six months next preceding the election, and who would be qualified to vote for members of the general assembly of the state, and all male persons twenty-one (21) years of age, and qualified to vote for members of the general assembly of the state, owning fifty (\$50) dollars worth of real estate in said corporate limits, assessable for taxes for said year, such ownership to be evidenced by registered conveyance prior to the tenth (10th) day of the preceding January, shall constitute the qualified electors in said election, and be entitled to vote for all the officers elected at such election; Provided, That in said first election a resident within said corporate limits for only ninety (90) days, and " registration of property conveyance for only five days shall be required.

Sec. 4. Be it further enacted, That the person having received the highest number of legal votes at any election held shall be declared elected, and the officer ^{Certificates of election; organization of officers-elect.} holding the election shall, within two days thereafter,

issue to each of the aldermen elected certificate of election, and that at all subsequent elections officers holding said elections shall make certificates thereof on the day succeeding said election. It shall be the duty of the acting mayor, whose duty it shall be to issue the persons receiving the highest number of votes in said town of Sparta, certificates of election within two days. It shall be the duty of the persons elected to meet at some convenient place and proceed to organize by the election of a recorder, treasurer, marshal, and such assistant marshals or policemen as the board of mayor and aldermen may from time to time provide, and as may be necessary for the dispatch of municipal business.

**Qualification
for office.**

Sec. 5. Be it further enacted, That no person shall be elected to any office in the municipality less he has been a resident thereof for at least twelve months next preceding his election, and unless he be twenty-one years of age.

Compensation.

Sec. 6. Be it further enacted, That the compensation of all officers, agents and servants of the municipality shall be fixed by the board of mayor and aldermen before the election of the officers, agents or servants, and shall not be changed during his term of office.

Powers.

Sec. 7. Be it further enacted, That the corporation aforesaid shall have full power and authority to make and pass such laws and by-laws as are necessary to prevent or remove nuisances; to provide for licensing and regulating auctions; taxing, regulating and restraining theatricals or public amusements, shows and exhibitions within the boundary of the corporation; for restraining or prohibiting gambling houses; to regulate the sale of intoxicating liquors, beer, and malt liquors; to establish night and day watches and patrol; to ascertain, when necessary, the condition of streets and alleys; to have and keep in repair streets, alleys, etc., and pass all laws necessary for the same; to repair and regulate markets, drayage and personal privileges; to provide for the establishment and regulation of a fire company, the sweeping of chimneys and the safe condition of flues; to impose and appropriate fines, penalties and forfeiture for breach of by-laws and ordinances; to build and

in good condition a lockup or calaboose for the safe keeping of persons before trial, who have violated any of said ordinances or by-laws of said corporation; to levy and collect taxes of privileges, real and personal property, for the purpose of carrying necessary measures into operation for the benefit of said town of Sparta; to regulate the speed of locomotives, engines and cars passing through said corporation, and prevent engines and cars from blockading public highways at their crossing, or standing in certain prescribed distances from crossing of said highway for a longer time than actually necessary to transact their business, to establish fire limits and such general regulation by ordinance, for the prevention and extinguishment of fire, as they may deem expedient; to regulate the storage and transportation of illuminating oils, high explosives, gunpowder, tar, pitch, resin and other explosives and combustible material, and to regulate or prohibit the use of fire arms; to alter, abolish, widen, extend, establish and create streets, avenues, lanes, alleys and sidewalks, and to improve and to keep in repair the said streets, avenues, lanes, alleys and sidewalks, drain and sewer; and to provide for the planting and protecting of shade trees upon the streets, avenues or parks, or other public grounds, and regulate the same; to provide for lighting the streets by gas, or otherwise; to remove all obstructions from the streets, lanes, avenues, alleys and sidewalks and curbstones, and to provide for the removal of all encroachments into or upon all or any streets, lanes, avenues or alleys within the town of Sparta, established by law or ordinance; to regulate the running of horse or railway car or cars, propelled by dummy engines, cable or electricity, and the laying of tracks for the same, transportation of passengers thereon and the form of rail to be used, and to require railroad companies using streets to lay their tracks at the official grade thereof, and require them to grade such streets between the sidewalks to the official grade at their own expense, and to compel them to pave and keep in repair the streets between their tracks and for a distance of two feet on each side of the tracks; to erect and maintain a workhouse, a house of correction, and to provide for the regulation and gov-

ernment thereof; to provide for lighting the town; to erect lamp posts, electric towers or other apparatus to prevent and restrain riots, noise, disturbances, disorderly assemblages in any streets, houses or places within the town of Sparta, breaches of the peace, fighting or disorderly conduct; and to suppress riots and houses; to prohibit and punish the abuse of fireworks; to provide the town with water, erect hydraulic pumps, construct cisterns and reservoirs, to lay out lines for conducting and distributing water over the town, and keep the same in repair; to acquire and organize or in any water company organized for the purpose of supplying with water for domestic, irrigation, agricultural or other purposes, to build and construct cisterns and reservoirs for the storage of water; to construct or purchase waterworks for the use of the town; to increase or enlarge their capacity from time to time and to keep the same in repair, and generally to do whatever may be needful and necessary to be done by contract with private water companies, or otherwise, in order to supply the town with water for fire, irrigating, domestic, agricultural and other purposes, and regulate the rates and fix the price to be charged private companies for the use thereof; to establish and enforce quarantine regulations, and enforce the same within the town and within one mile thereof; to prevent or restrain the driving of stock through the town; to restrain cattle, horses, hogs, sheep, dogs and all other animals from running at large, and to prevent the erection and maintenance of barbed wire fences within the limits of the town, and to authorize the summary removal or other disposition of horses, cattle, sheep, dogs and other animals running at large in the town; to regulate or prevent the use of fireworks, and to regulate or prevent the carrying on of manufactories or other works liable to cause or promoting fires; to require license before erecting any building, to obtain a building permit upon written application to the board of health and aldermen; to make all ordinances which may be necessary and proper for carrying into execution the powers specified in this act, and to make all orders which it may deem necessary or requisite for the promotion of order, health, good government or general welfare of the town, and also, for the protection and preservation of the same.

tion of any town property, privileges and franchises, and enforce the same by proper fine, imprisonment or other penalties, and all the powers and authority set out in section 1607 of Milliken & Vertrees' compilation of the code of Tennessee.

Sec. 8. Be it further enacted, That the board of mayor and aldermen shall have the power to establish and change the grade of the streets of the said town of Sparta.

Grade of streets.

Sec. 9. Be it further enacted, That before entering upon the discharge of their duties, the aldermen and all municipal officers shall take an oath to faithfully demean themselves, as the law directs, during their existence in office; that the recorder, treasurer and other officials charged with the collection, safe keeping and disbursement of the corporation funds, shall give bond in such sum or sums as the board of mayor and aldermen may require, for the faithful performance of their duties; provided the bond of the recorder shall not be less than five thousand (\$5,000) dollars.

Oath and bond.

Sec. 10. Be it further enacted, That it shall be the duty of the mayor to preside at all meetings of the board of mayor and aldermen, to see that all ordinances and by-laws of the corporation are duly and properly performed, respected and observed within the town of Sparta; call special meetings of the board of mayor and aldermen, whenever he may deem it expedient; to make such suggestions and give instruction in reference to the action of said board, as in his judgment will be the most conducive to the interest of said corporation; to give orders in connection with the recorder, upon the treasurer of said town of Sparta, whenever said board directs same to be done, for the payment of any money that may be due from said corporation; to employ counsel upon advice of the board, behalf of said corporation, in any case in which said corporation may be interested, when, in his judgment, the same may be necessary. He shall be allowed one vote, as any other alderman, on all questions coming before the board for consideration, but shall not be allowed a second, in case of a tie; but less a majority of the aldermen present shall vote in

Mayor, duties and vote.

favor of any proposition coming before the board, the same shall be declared lost.

Recorder's
jurisdiction;
docket.

Sec. 11. Be it further enacted, That the recorder shall be vested with full power and authority to try all offenses for the violation of ordinances and by-laws of said corporation; and said recorder of the town of Sparta shall be, and is hereby, invested with concurrent jurisdiction with justices of the peace in all cases for the violation of the criminal laws of the state, or the ordinances or by-laws of the board of mayor and aldermen of the town of Sparta, within the corporate limits of said town; and, for trial of state offenses the cost incident thereto shall be the same as allowed to justices of the peace for like services, which said cost, when collected, shall be paid into the town treasury. Said recorder shall keep a regular docket, in a well bound book, the same as are kept by justices of the peace, and shall docket every case tried by him, and shall show amount of bill of costs of the same.

Workhouse.

Sec. 12. Be it further enacted, That the board of mayor and aldermen of said corporation shall have full power and authority to erect a workhouse and lockup, or calaboose, for the safe keeping of persons when arrested, who fail to give or fail to put up forfeitures for their appearance before the recorder for trial; and when any person or persons, who have been convicted of any violation of the by-laws or ordinances of said corporation fail or refuse to pay or secure to be paid the fine and cost accruing thereon, the board of mayor and aldermen may provide, by an ordinance, for their confinement in said lockup, workhouse or calaboose, and put them to work for the town, either within an inclosure, on the streets or other public works, under proper guards or secured by ball and chain, at such wages as the board may adopt by ordinance, until the fine and costs are paid.

Removal or
dismissal of
officers.

Sec. 13. Be it further enacted, That the board of mayor and aldermen shall have full power and authority to dismiss and remove any officer or agent appointed or elected by them, including the recorder or marshal, for incompetency or any violation, neglect or disregard of the duties imposed upon them by the by-laws or ordinances of said corporation; Pro

vided, That two-thirds of the board of mayor and aldermen concur in the removal or dismissal.

Sec. 14. Be it further enacted, That the board of mayor and aldermen of the town of Sparta, shall have full power and authority by ordinance, within the town, and for the distance of one mile from the corporate limits thereof, to provide for all sanitary measures necessary to prevent sickness, and to establish quarantine when, in the judgment of the board, the same is necessary to be done, and also, to set the fees of the recorder, town marshal and other officials and witnesses, who may be required to attend trial of causes on behalf of the corporation.

Sanitary measures.

Fees.

Sec. 15. Be it further enacted, That the mayor and aldermen of the town of Sparta, shall have full power and authority to lay off and open new streets, lanes and alleys in said town and extend the old ones for the convenience of the inhabitants thereof, in the manner and mode prescribed by sections 1388, 1389, 1390, 1391, of Thompson & Steger's compilation of the Code of Tennessee; also, may require the owners of business houses and residences in said town of Sparta, to make good stone, brick, gravel or wood pavements in front of their said business houses and residences.

Streets, etc.

Sec. 16. Be it further enacted, That the board of mayor and aldermen shall have full power to levy and collect taxes for city purposes upon all taxable property, real, personal and mixed, within the limits of the town, not exceeding the total levy for all state and county purposes levied in any year.

Taxes.

Sec. 17. Be it further enacted, That all franchises or privileges granted by the said town of Sparta, to corporations or individuals, shall be limited to twenty (20) years from the granting of the same, and such franchises or privileges so granted shall plainly specify in what particular street, alley or avenue the same shall apply, and no franchise or privilege shall be granted by the town of Sparta in general terms, or that will apply to the town generally; Provided however, Those franchises and privileges may be granted for gas, waterworks, electric light companies and manufacturers in general terms and for a period of longer

Franchises and privileges.

than twenty (20) years, in the discretion of the board of mayor and aldermen.

Debts etc., of
former corporation.

Sec. 18. Be it further enacted, That the incorporation herein granted shall assume and be liable for all debts contracted, and warrant issued by the board of mayor and aldermen, acting under a certificate of incorporation, issued by the secretary of state on July 23, 1889, and the mayor and board of aldermen herein provided for are hereby empowered, and it shall be their duty, to levy taxes for the payment of the same, and all the titles and rights to all the property both personal and real, debts and choses in action now owned and claimed by said town of Sparta, is hereby divested out of the same and vested in the corporation created herein, to hold, collect and use in as full and ample a manner as if they had been purchased and acquired under the powers and rights of this charter; Provided, That nothing in this section or as contained shall be construed as a legislative recognition of, or in anywise affect the validity or invalidity of the hitherto acting municipality as a corporate creature under the certificate of the secretary of state aforesaid, and to fix no rule of construction for the courts in passing on the validity or invalidity of the same; but if the same is valid, it is enacted that it be and is hereby, abolished. Should this section, for any reason, be illegal or unconstitutional, such illegality or unconstitutionality shall not affect the validity of the remainder of this act.

Sec. 19. Be it further enacted, That all laws and parts of laws, and acts and parts of acts, in conflict herewith are hereby repealed.

Sec. 20. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed February 24, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved February 28, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 81.

HOUSE BILL No. 645.

AN ACT to amend an act entitled "An act to incorporate the town of Newbern, in the county of Dyer, provide for the election of officers and prescribe their duties," being chapter 224 of the published acts of the legislature of 1887, and all amendatory acts thereof, by extending the limits of said town of Newbern.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That section 1 of chapter 224, of the published acts of the legislature of 1887, be, and the same is hereby, so amended as to further extend the corporate limits of the said town of Newbern, Dyer county, Tennessee, as follows, to wit: Beginning at a stake in the southeast corner of the original corporate limits, as fixed by said act of 1887, the same being sixteen' (16) poles south of the southeast corner of O. J. Radford's home place, and thence runs east to J. N. Wyatt's west line, thence north to the branch in the R. W. Binkley field, now owned by W. B. Neely, thence with the meanders of said branch in a northwesterly direction, to the trestle on the Illinois Central railroad track, being northeast of R. N. Fryer's residence, thence west to the center of the Sharp's ferry road, a stake in R. W. Pace's east line, being one of the northeastern corners of the original corporate limits of said town.

Sec. 2. Be it further enacted, That this amendatory act take effect from and after its passage, the public welfare requiring it.

Passed March 24, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved March 27, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 82.

HOUSE BILL No. 399.

AN ACT entitled an act to change the line between Overton and Pickett counties.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the line between Overton and Pickett counties be so changed as to include all the lands of James Conner, in Overton county.

Sec. 2. Be it further enacted, That this act shall take effect from and after its passage, the public works requiring it.

Passed March 3, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives

SEID WADDELL,
Speaker of the Senate

Approved March 17, 1899.

BENTON McMILLIN,
Governor

CHAPTER 83.

HOUSE BILL No. 405.

AN ACT to amend an act passed April 30, 1885, titled "An act to amend chapter 20, Acts of session, 1885, entitled an act to divide the State of Tennessee into judicial circuits and chancery divisions.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That section 1 of the act passed April 30, 1897, being chapter 294 of the Acts of session, be so amended as to read as follows: That

county, third Monday in March, and second Monday after the fourth Monday in July and November.

Sec. 2. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed February 25, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved February 27, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 84.

SENATE BILL No. 52.

AN ACT to change the line between the counties of
White and Warren.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the line between the counties of White and Warren be so changed as to include all of the Baloff mill tract of land, now belonging to Smallman and Swann, in Warren county, Tennessee.

Sec. 2. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed March 1, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved March 3, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 85.

HOUSE BILL No. 8.

AN ACT entitled an act to provide for the passage of fish up and down the waters of Wat river in Carter county.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That no person, firm or corporation shall hereafter erect or build any dam or other obstruction across the waters of the Wat river in Carter county, so as to prevent the free passage of fish up and down the waters of the same.

Sec. 2. Be it further enacted, That all persons, firms, or corporations now owning or using any dam or obstructions, whether for the purpose of booms or other use, shall immediately provide a sluice or waterway, not less than ten feet in width and four feet in depth of water, such sluice or waterway to be cut in and upon the natural bed of the river, or so altered and constructed as to make such flow or water pass upon the ground adjacent to such dam and not upon the bed of the river for the free, easy, and unobstructed passage of fish up and down the waters of the same, which said way shall be kept open at all seasons of the year.

Sec. 3. Be it further enacted, That any violation of the provisions of this act shall be a misdemeanor and the punishment for each offense shall, upon conviction, be a fine of not less than fifty nor more than two hundred dollars.

Sec. 4. Be it further enacted, That the grand jury of Carter county have inquisitorial power under this act.

Sec. 5. Be it further enacted, That this act

effect from and after its passage, the public welfare requiring it.

Passed March 1, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved March 3, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 86.

SENATE BILL No. 210.

AN ACT to repeal the charter of the town of Adams Station in Robertson county.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the charter of the town of Adams Station, in Robertson county, be, and the same is hereby, repealed.

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with this act be, and the same are hereby, repealed, and that this act take effect from and after its passage, the public welfare requiring it.

Passed March 1, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved March 3, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 87.

SENATE BILL No. 167.

AN ACT to authorize the board of mayor and al-
men of the city of Bristol to issue coupon bond
fund its present bonded indebtedness.

May issue
bonds.

Section 1. Be it enacted by the General Asser
of the State of Tennessee, That the board of ma
and aldermen of the city of Bristol, in Sulli
county, is hereby authorized to issue the interest b
ing bonds of said city, in its corporate name, sig
by the mayor and countersigned by the recorder
an amount not exceeding one hundred and seve
thousand (\$170,000) dollars, payable in lawful mo
of the United States, which shall be used, or the p
ceeds of which shall be used, for no other purp
than to fund or pay off the present bonded indeb
ness of said city.

Interest.

Sec. 2. Be it further enacted, That the bonds h
by authorized shall bear interest at such rate,
exceeding four per centum per annum, as the bo
of mayor and aldermen of said city may, by ordinai
adopt. The interest on said bonds shall become
and payable semiannually, at such time and place
may be determined by ordinance and shall be rep
sented by coupons attached to said bonds, which sh
be signed by the mayor and countersigned by
recorder.

Denomination
and maturity.

Sec. 3. Be it further enacted, That the bonds her
authorized may be executed of denominations
from fifty dollars to one thousand dollars, and al
mature at such time or times, from five to thi
years, as may be determined by ordinance.

Sec. 4. Be it further enacted, That said bonds sh
be designated by the name, to be printed in the f
and on the back of each, "Funding Bonds of the C
of Bristol, Tennessee," and shall be numbered
cording as the mayor and aldermen of said city m
by ordinance, determine.

Sec. 5. Be it further enacted, That said bonds shall not be negotiated or sold for less than par.

Sec. 6. Be it further enacted, That the corporate authorities of said city shall, each and every year for which said bonds shall run, levy and collect a tax, in the aggregate not less than two thousand dollars each year, which shall be appropriated for no other purpose than to pay off and liquidate said bonds. ^{Tax to pay bonds.}

Sec. 7. Be it further enacted, That said bonds, and the interest accrued on same, shall be exempt from all taxes levied for the purposes of said city.

Sec. 8. Be it further enacted, That all laws and parts of laws in conflict with this act be, and the same are hereby, repealed.

Sec. 9. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed March 1, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved March 3, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 88.

HOUSE BILL No. 222.

AN ACT to amend chapter 93 of the Acts of 1893, entitled "An act to incorporate the town of Brownsville, Tennessee."

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That chapter 93 of the Acts of 1893, entitled "An act to incorporate town of Brownsville, Tennessee," be, and the same is hereby, so amended in section 3, subsection as to strike out the last four lines of said subsection beginning with the word "and," in the fourth from the end of same, and inserting the follow-

ing: "Provided that all the tax levies by said
of mayor and aldermen, for any year, for all
on property, shall never at any time exceed \$
the \$100.

Sec. 2. Be it further enacted, That this
effect from and after its passage, the public
requiring it.

Passed March 18, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representa

SEID WADDELL,
Speaker of the Se

Approved March 23, 1899.

BENTON McMILLIN,
Gove

CHAPTER 89.

HOUSE BILL No. 256.

AN ACT to amend chapter 157, section 1,
Acts of 1897, relative to the game law of
county.

Section 1. Be it enacted by the General As
of the State of Tennessee, That chapter 157,
1, of the Acts of 1897, be so amended as follo
adding after the word "act," in line 7, and
the word "shall," in said line, the words "p
that the period of four years shall apply to
county instead of two years."

Sec. 2. Be it further enacted, That this a
effect from and after its passage, the public
requiring it.

Passed March 23, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representa

SEID WADDELL,
Speaker of the Se

Approved March 27, 1899.

BENTON McMILLIN,
Gove

CHAPTER 90.

HOUSE BILL No. 406.

AN ACT authorizing Cocke county to borrow money to pay her indebtedness, current expenses, and other necessary county purposes.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That Cocke county be, ^{May borrow money.} and is hereby, authorized to borrow money at a rate of interest not to exceed six per cent. per annum, to pay its indebtedness, its current expenses, or for any other necessary county purposes.

Sec. 2. Be it further enacted, That no money shall be borrowed by the county under section 1 of this act ^{County court to authorize.} until the particular loan is authorized by the action of the county court in quarterly session, and by the same vote that is now required by law to appropriate money.

Sec. 3. Be it further enacted, That upon a vote of the court authorizing the chairman to borrow ^{Chairman to negotiate.} money for any purpose within the scope of this act, that the chairman may negotiate a loan in conformity with the directions of the court, and execute the county's promissory note or other obligation for the money so borrowed, bearing interest at a rate not to exceed six per cent. per annum, said note or evidence of indebtedness to be signed by the chairman and countersigned by the clerk and the official seal of the clerk affixed thereto; said notes to be made payable in lawful money of the United States.

Sec. 4. Be it further enacted, That the money ^{Paid to trustee.} rowed under the provisions of the foregoing sections of this act shall be paid over to the county trustee and charged to him, but the trustee shall not receive any additional compensation for disbursing same.

Sec. 5. Be it further enacted, That this act take

effect from and after its passage, the public welfare requiring it.

Passed March 14, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved March 17, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 91.

HOUSE BILL No. 381.

AN ACT to extend and increase the corporate limits of the town of Union City, in Obion county, Tennessee, and to amend an act entitled "An act more definitely designate and establish the corporation lines of the town of Union City, Tennessee passed May 10, 1895.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the corporate limits of the town of Union City, in Obion county, Tennessee, be extended and increased, and the lines of said town changed as follows: Beginning at the north side of Cheatham street and at the east side of an alley running between Second and Third streets, in the present line of said corporation, run thence west 3 feet to the west side of an alley between Third and Fourth streets (extended); thence south with said alley to the present corporation line on the north side of Grove street.

Sec. 2. Be it further enacted, That said territory so described in section 1 of this act be, and the same is hereby, constituted a part of the corporation of Union City, Tennessee, and the act entitled "An act to more definitely designate and establish the corporation lines of the town of Union City, Tennessee

passed May 10, 1895, and approved May 13, 1895, is hereby amended accordingly.

Sec. 3. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed March 18, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved March 23, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 92.

HOUSE BILL No. 367.

AN ACT to amend an act approved April 7, 1893, and being chapter 108 of the acts of the General Assembly, passed in 1893 by the Forty-eighth General Assembly of the State of Tennessee, entitled "An act to amend the charter of the town of Rogersville, in the county of Hawkins, to embrace all of said charter in one act, and to repeal all laws in conflict therewith," so as to empower the board of mayor and aldermen of said town to appoint a marshal, or policeman, for said town, whether such marshal, or policeman, be residents of said town or not, and to repeal said act in so far as the same requires such marshal or policemen to be citizens and voters in said town.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That an act entitled an act to amend the charter of the town of Rogersville, in the county of Hawkins, approved April 7, 1893, being chapter 108 of the published acts, passed by the Forty-eighth General Assembly of the State of Tennessee, in the year 1893, be, and the same is hereby amended so as to empower the board of mayor

and aldermen of said town to elect, or appoint, a shal, or policemen, for said town, whether such shal, or policemen, be residents of said corporation or not.

Sec. 2. Be it further enacted, That said act, far as the same requires the marshal, or policemen of said town to be citizens and voters in said town and the same is hereby, repealed.

Sec. 3. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed February 24, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives

SEID WADDELL,
Speaker of the Senate

Approved February 27, 1899.

BENTON McMILLIN,
Governor

CHAPTER 93.

SENATE BILL No. 230.

AN ACT to incorporate the town of Double Springs in the county of Putnam, and State of Tennessee, and provide for the election of officers and prescribe their duties, and of other purposes.

Incorporation. Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the town of Double Springs, in the county of Putnam, and the inhabitants thereof, be, and they are hereby, constituted a body politic and incorporate under and by the name of mayor and aldermen of the town of Double Springs; may sue and be sued, grant, receive, hold, chase, and hold real, mixed, and personal property or dispose of the same for the benefit of said town.

Limits. Sec. 2. Be it further enacted, That the corporate limits of said town of Double Springs shall be as follows, viz.: Beginning at a stone on the south side

the Walton road, in the center of Blackburn's Fork Creek, thirty poles to a stone on the north edge of the right of way of the Nashville and Knoxville Railroad; thence west with said right of way, so as not to include the same, 36 poles to a stone; thence north 30 poles to a stone on the south edge of the Walton road; thence east with the edge of said road, and so as not to include the same, 50 poles to the place of beginning.

Sec. 3. Be it further enacted, That the corporation aforesaid shall have full power and authority to enact ^{Power.} and pass such laws and by-laws to prevent and remove nuisances, to provide for licensing and regulating auctions, taxing, regulating, or restraining theatrical or public amusements, and shows within the bounds of the corporation; for restraining or prohibiting gambling; to regulate the sale of spirituous liquors, establishing night watches and patrols; to ascertain, when necessary, the boundary and location of streets, lanes, and alleys, with the consent of the proprietors of said lots adjoining such streets, lanes, and alleys; to have and keep in repair the streets; to pass all laws necessary for the same; to establish the necessary inspection within the town; to enact and regulate market, drayage, and personal privileges; to provide for the establishment and regulation of a fire company, the sweeping of chimneys, and safe condition of flues; to impose and appropriate fines, penalties, and forfeitures of a breach of the by-laws or ordinances; to appoint a recorder; to levy and collect taxes for the purpose of carrying the necessary measures into operation, for the benefit of said town, and to pass all laws and ordinances necessary and proper to carry the intent and meaning of this act into effect, provided they are not incompatible with the constitution and laws of the State.

Sec. 4. Be it further enacted, That the sheriff of
nam county, after ten days notice, shall hold an
tion in the town of Double Springs, on the first
ursday in April, 1899, and one the same day of
and every succeeding year, for the purpose of
ting five persons to serve as aldermen and one
on for mayor, and one other person for town
table, and one other person for county magis-

Election for
officers; terms;
qualifications
of electors, of
officers; vacan-
cies.

trate for the corporation of said town of Springs for one year, except as to magistrates shall serve for six years, commencing the first day in April, 1899, the day of their election; persons living in the limits of said corporation would be qualified to vote for members of the legislature of the State, and persons owning a farm within the bounds of said corporation, and otherwise entitled to vote, shall be entitled to vote in said election; and no person shall be eligible to the office of mayor, alderman, town constable, or magistrate unless he be a citizen, or freeholder, or householder in the town of Double Springs, and in case of death, removal, or resignation of any one of the officers of said corporation, the mayor and aldermen shall have power to fill such vacancies for the time unexpired, as to magistrate, who shall be elected by the qualified voters.

Certificate of election; organization; election of recorder.

Sec. 5. Be it further enacted, That the persons so qualified as aforesaid, having the highest number of votes at any election held, shall be declared elected, and the sheriff holding the election at said place shall, within three days thereafter, give to each of the five aldermen, mayor, constable, and magistrate a certificate of their election, and it shall be the duty of the persons so elected to meet at some convenient house in the town of Double Springs the next day after the election, and after having been so qualified, the mayor and aldermen, three of whom shall constitute a quorum, shall proceed to elect a recorder for said corporation for the same term in which the mayor and aldermen were elected at said place, and the person elected by them shall serve from the first Thursday in April succeeding, or until his successor is elected and qualified.

Oath of office.

Sec. 6. Be it further enacted, That the mayor and aldermen of said town, before entering upon the duties of their office, take an oath before some justice of the peace of Putnam county to faithfully and honestly demean themselves as mayor and aldermen of said corporation during the continuance in office.

Constable to give bond.

Sec. 7. Be it further enacted, That the constable so elected shall continue in office twelve months.

the time of his election, and, before entering upon the duties of his office, give bond and sufficient security in the sum of five hundred dollars (\$500), to be approved by the county court, for the faithful discharge of the duties of his office, and account for all money or moneys by him collected and corporation taxes.

Sec. 8. Be it further enacted, That the sheriff of Putnam county shall, previous to holding an election for mayor and aldermen, constable, and magistrate for said corporation, as provided for in section 4 of this act, appoint three respectable citizens in the town of Double Springs who shall act as judges of said election, one of whom shall act as clerk.

Judges and clerk of elections.

Sec. 9. Be it further enacted, That if, for any reason, the sheriff shall fail to hold an election for mayor and aldermen, constable, and magistrate on the first Thursday in April in each year, he may at any time thereafter open and hold an election for the aforesaid offices by first giving ten days notice of said election for the balance of the unexpired time.

Failure to hold election.

Sec. 10. Be it further enacted, That the constable shall pay over monthly to the recorder all sums of money collected by him for said corporation, and the recorder shall render, semiannually on the first Thursday in June and the first Thursday in January of each year, and as much oftener as the board of mayor and aldermen shall require, a full and complete statement of the finances under his control, and the recorder shall exhibit to the board a complete statement of the finances of said corporation, and he shall also, within thirty days from the time of assessing the taxes of said corporation, deliver to the town constable for collection the taxes therein specified, and the recorder shall reserve a copy of said tax list with the papers of the corporation. No money shall be paid out except by the order of the mayor, made in pursuance of the direction of the board of aldermen. At the expiration of his term of office, the recorder shall deliver to his successor all books and papers belonging to the corporation, and take his receipt for the same, and make a final settlement with the board mayor and aldermen.

Constable to pay over moneys; duties of recorder.

Mayor, duties
of.

Sec. 11. Be it further enacted, That it shall be the duty of the mayor to preside at all meetings of the council, to take care that all the ordinances and laws of the town are duly and properly enforced, respected, and observed within the town; to take oath of office before he enters upon the duties of the same; and call special meetings of the board of mayor and aldermen whenever he may deem it expedient to make such suggestions and give instructions in reference to the actions of said board as, in his judgment, will be the most conducive to the interest of the corporation; to give orders upon the recorder of said board whenever said board shall direct the same to be done, for the payment of any money that may be due from said corporation; to employ counsel in behalf of said corporation in any case in which said corporation may be interested, when, in his judgment, the same may be necessary.

Sec. 12. Be it further enacted, That said board of mayor and aldermen shall have power to elect a recorder for said corporation, who shall not be a member of said board of mayor and aldermen, and shall hold his office for a term of one year, or until his successor is elected and qualified.

Sec. 13. Be it further enacted, That in addition to the duties already imposed upon the recorder by the act, he shall be invested with the full power and authority to try all offenses for the violation of the ordinances and by-laws of said corporation; and as recorder of the town of Double Springs be, and hereby, invested with concurrent jurisdiction with the justices of the peace in all cases of violations of the criminal laws of the State, or of the ordinances or laws of the mayor and aldermen of the town of Double Springs, within the corporate limits of said town, and be entitled to the same fees now allowed the justices of the peace for like services; and said recorder shall have power to issue executions on judgments in the same manner as the justices of the peace are authorized by law to issue executions on judgments rendered by them.

Sec. 14. Be it further enacted, That the board of mayor and aldermen of said corporation shall have full power and authority to erect a workhouse at

lock-up, or calaboose, for the safe keeping of persons; and when any person or persons convicted of any violation of any by-laws or ordinances of said corporation, fails or refuses to pay, or secure to be paid, the fine and cost accruing thereon, the mayor and aldermen may provide by ordinance for their confinement in said lock-up, or workhouse, or calaboose, and put them to work for the town either within an inclosure or on the streets and other public works, under proper guard, or secured by a ball and chain, such wages as the board may adopt, or in no less sum than forty cents per day until said fine or cost be paid.

Sec. 15. Be it further enacted, That the mayor and board of aldermen shall have full power and authority to appoint a marshal, and as many policemen as in their judgment they may deem necessary, at any time, to preserve the peace and quiet of the town, or to enforce the ordinances of said corporation, to fix their term of office, and regulate the salary of the same; Provided, Said fees shall not be over one dollar per day. Said watchman or police so appointed shall have power to execute all processes that the town marshal or constable is authorized to execute.

Marshal and police.

Sec. 16. Be it further enacted, That before entering upon their respective duties the recorder and marshal so elected or appointed by the board of mayor and aldermen shall each give bond, with sufficient security, to said mayor and aldermen, in the sum of five hundred dollars (\$500), conditional that they shall faithfully and honestly discharge their duties, and account for all money that may come into their hands by the virtue of their office.

Bond of recorder and marshal.

Sec. 17. Be it further enacted, That the board of mayor and aldermen shall have full power and authority to dismiss and remove any officer or agent appointed or elected by them, including the office of recorder or marshal, for incompetency or any violation, neglect, or disregard of the duties imposed upon them by the laws and ordinances of said corporation; Provided, That two-thirds of the board of mayor and aldermen concur in the dismissal or removal.

Removal of officers.

Sec. 18. Be it further enacted, That the board of mayor and aldermen of the town of Double Springs shall have full power and authority to lay off and

Open streets; pavements.

open new streets, lanes, and alleys in said town extend the old ones for the convenience of the inhabitants thereof in the manner and mode prescribed in the Code of Tennessee, and may by ordinance or otherwise, require owners of business houses to lay down good substantial pavements in front of their houses.

Arrest of riotous, etc., persons.

Sec. 19. Be it further enacted, That the mayor and aldermen of the town of Double Springs shall have the power and authority by ordinance, within the limits of the town, to provide for the arrest, and confinement until released, of all riotous and disorderly persons found violating any ordinance of the town, or in violation of any law passed by the legislature March 22, 1875, chapter 105, section 2.

Compensation of officers.

Sec. 20. Be it further enacted, That no person elected to the office of alderman shall be allowed any pay for his services as such alderman. The mayor and recorder shall receive such a salary as the board of aldermen may allow, not to be increased or diminished during their respective terms of office. The marshal shall receive a stated salary per month, to be determined and ordered paid by the board of mayor and aldermen. The fees of the recorder, in and out of town, to the fees allowed by law for the trial of offenses, and the fees allowed by law for the trial of offenses in the violation of the ordinances and by-laws of the corporation, and the fees allowed by law for the trial of state offenses, shall be determined by ordinance passed by the board of mayor and aldermen.

Sec. 21. Be it further enacted, That the persons elected or appointed by the board of mayor and aldermen shall have charge of work hands on the town, and keep their time, and see that they do good work.

Sec. 22. Be it further enacted, That this act shall take effect from and after its passage, the public requiring it.

Passed March 1, 1899.

SEID WADDELL,
Speaker of the Senate

JOSEPH W. BYRNS,
Speaker of the House of Representatives

Approved March 30, 1899.

BENTON McMILLIN,
Governor

CHAPTER 94.

SENATE BILL No. 90.

A general act relating to negotiable instruments, being an act to establish a law uniform with the laws of other states on that subject.

GENERAL PROVISIONS.

Be it enacted by the General Assembly of the State of Tennessee as follows:

This act shall be known as the "Negotiable Instruments Law."

In this act, unless the context otherwise requires:

"Acceptance" means an acceptance completed by delivery or notification.

"Action" includes counterclaim and set-off.

"Bank" includes any person, or association of persons, carrying on the business of banking, whether incorporated or not.

"Bearer" means the person in possession of a bill or note which is payable to bearer.

"Bill" means bill of exchange, and "note" means negotiable promissory note.

"Delivery" means transfer of possession, actual or constructive from one person to another.

"Holder" means the payee or indorsee of a bill or note, who is in possession of it, or the bearer thereof.

"Indorsement" means an indorsement completed by delivery.

"Instrument" means negotiable instrument.

"Issue" means the first delivery of the instrument, complete in form, to a person who takes it as a holder.

"Person" includes a body of persons, whether incorporated or not.

"Value" means valuable consideration.

"Written" includes printed, and "writing" includes int.

The person "primarily" liable on an instrument is the person who by the terms of the instrument is absolutely required to pay the same. All other parties are "secondarily" liable.

In determining what is a "reasonable time," or "unreasonable time," regard is to be had to the nature of the instrument, the usage of trade or business (if any) with respect to such instruments, and the facts of the particular case.

Where the day, or the last day, for doing any act herein required or permitted to be done falls on a Sunday, or on a holiday, the act may be done on the next succeeding secular or business day.

The provisions of this act do not apply to negotiable instruments made and delivered prior to the passage hereof.

In any case not provided for in this act the rules of the law merchant shall govern.

TITLE 1.—NEGOTIABLE INSTRUMENTS GENERAL.

ARTICLE I.

Form and Interpretation.

Be it further enacted as follows:

Negotiable instrument.

Section 1. An instrument, to be negotiable, must conform to the following requirements:

1. It must be in writing, and signed by the maker or drawer;
2. Must contain an unconditional promise or order to pay a sum certain in money;
3. Must be payable on demand, or at a fixed or determinable future time;
4. Must be payable to order or to bearer; and,
5. Where the instrument is addressed to a drawee he must be named or otherwise indicated therein with reasonable certainty.

Sum certain.

Sec. 2. The sum payable is a sum certain within the meaning of this act, although it is to be paid:

1. With interest; or,
2. By stated installments; or,

3. By stated installments, with a provision that upon default in payment of any installment or of interest, the whole shall become due; or,

4. With exchange, whether at a fixed rate or at the current rate; or,

5. With costs of collection or an attorney's fee, in case payment shall not be made at maturity.

Sec. 3. An unqualified order or promise to pay is unconditional within the meaning of this act, though coupled with:

1. An indication of a particular fund out of which reimbursement is to be made, or a particular account to be debited with the amount; or,

2. A statement of the transaction which gives rise to the instrument.

But an order or promise to pay out of a particular fund is not unconditional.

Sec. 4. An instrument is payable at a determinable future time, within the meaning of this act, which is expressed to be payable:

1. At a fixed period after date or sight; or,

2. On or before a fixed or determinable future time specified therein; or,

3. On or at a fixed period after the occurrence of a specified event, which is certain to happen, though the time of happening be uncertain.

An instrument payable upon a contingency is not negotiable, and the happening of the event does not cure the defect.

Sec. 5. An instrument which contains an order or promise to do any act in addition to the payment of money, is not negotiable. But the negotiable character of an instrument otherwise negotiable is not affected by a provision which:

1. Authorizes the sale of collateral securities in case the instrument be not paid at maturity; or,

2. Authorizes a confession of judgment if the instrument be not paid at maturity; or,

3. Waives the benefit of any law intended for the advantage or protection of the obligor; or,

4. Gives the holder an election to require something to be done in lieu of payment of money.

But nothing in this section shall validate any provision or stipulation otherwise illegal.

Negotiability
not affected.

Sec. 6. The validity and negotiable character of an instrument are not affected by the fact that:

1. It is not dated; or,
2. Does not specify the value given, or that any value has been given therefor; or,
3. Does not specify the place where it is drawn, or the place where it is payable; or,
4. Bears a seal; or,
5. Designates a particular kind of current money in which payment is to be made.

But nothing in this section shall alter or repeal any statute requiring in certain cases the nature of the consideration to be stated in the instrument.

Payable on de-
mand.

Sec. 7. An instrument is payable on demand:

1. Where it is expressed to be payable on demand, or at sight, or on presentation; or,
2. In which no time for payment is expressed.

Where an instrument is issued, accepted, or indorsed when overdue, it is, as regards the person so issuing, accepting, or indorsing it, payable on demand.

Payable to or-
der.

Sec. 8. The instrument is payable to order where it is drawn payable to the order of a specified person, or to him or his order. It may be drawn payable to the order of:

1. A payee who is not maker, drawer, or drawee; or,
2. The drawer or maker; or,
3. The drawee; or,
4. Two or more payees jointly; or,
5. One or some of several payees; or,
6. The holder of an office for the time being.

Where the instrument is payable to order, the payee must be named or otherwise indicated therein with reasonable certainty.

Payable to
bearer.

Sec. 9. The instrument is payable to bearer:

1. When it is expressed to be so payable; or,
2. When it is payable to a person named therein or bearer; or,

3. When it is payable to the order of a fictitious or nonexisting person, and such fact was known to the person making it so payable; or,

4. When the name of the payee does not purport to be the name of any person; or,

5. When the only or last indorsement is an indorsement in blank.

Sec. 10. The instrument need not follow the language of this act, but any terms are sufficient which clearly indicate an intention to conform to the requirements hereof. Terms need not follow this act.

Sec. 11. Where the instrument, or an acceptance, or any indorsement thereon, is dated, such date is deemed prima facie to be the true date of the making, drawing, acceptance, or indorsement, as the case may be. Date prima facie true.

Sec. 12. The instrument is not invalid for the reason only that it is antedated or postdated, provided this is not done for an illegal or fraudulent purpose. The person to whom an instrument so dated is delivered, acquires the title thereto as of the date of delivery. Antedating or postdating.

Sec. 13. Where an instrument expressed to be payable at a fixed period after date is issued undated, or where the acceptance of an instrument payable at a fixed period after sight is undated, any holder may insert therein the true date of issue or acceptance, and the instrument shall be payable accordingly. The insertion of a wrong date does not avoid the instrument in the hands of a subsequent holder in due course; but as to him, the date so inserted is to be regarded as the true date. Inserting date.

Sec. 14. Where the instrument is wanting in any material particular, the person in possession thereof has a prima facie authority to complete it by filling up the blanks therein. And a signature on a blank paper, given by the person making the signature, in order that the paper may be converted into a negotiable instrument, operates as a prima facie authority to fill up as such for any amount. In order, however, that any such instrument, when completed, may be enforced against any person who became a party thereto prior to its completion, it must be filled up in accordance with the authority given, and Filling blanks.

within a reasonable time. But if any such instrument, after completion, is negotiated to a holder in due course, it is valid and effectual for all purposes in his hands, and he may enforce it as if it had been filled up strictly in accordance with the authority given, and within a reasonable time.

Completing,
etc., without
authority.

Sec. 15. Where an incomplete instrument has been delivered, it will not, if completed and negotiated, without authority, be a valid contract in the hands of any holder, as against any person whose signature was placed thereon before delivery.

Delivery

Sec. 16. Every contract on a negotiable instrument is incomplete and revocable until delivery of the instrument for the purpose of giving effect thereto. As between immediate parties, and as regards a remote party other than a holder in due course, delivery, in order to be effectual, must be made either by, or under the authority of, the party making, drawing, accepting, or indorsing, as the case may be; and in such case the delivery may be shown to have been conditional, or for a special purpose only, and not for the purpose of transferring the property in the instrument. But where the instrument is in the hands of a holder in due course, a valid delivery thereof by parties prior to him, so as to make them liable to him, is conclusively presumed. And when the instrument is no longer in the possession of a party whose signature appears thereon, a valid and intentional delivery by him is presumed until the contrary is proved.

Ambiguous
language;
rules of con-
struction.

Sec. 17. Where the language of the instrument is ambiguous, or there are omissions therein, the following rules of construction apply:

1. Where the sum payable is expressed in words and also in figures, and there is a discrepancy between the two, the sum denoted by the words is the sum payable; but if the words are ambiguous or uncertain, reference may be had to the figures to fix the amount.

2. Where the instrument provides for the payment of interest, without specifying the date from which interest is to run, the interest runs from the date of the instrument, and if the instrument is undated from the issue thereof;

3. Where the instrument is not dated, it will be considered to be dated as of the time it was issued

4. Where there is conflict between the written and printed provisions of the instrument, the written provisions prevail;

5. Where the instrument is so ambiguous that there is doubt whether it is a bill or note, the holder may treat it as either, at his election;

6. Where a signature is so placed upon the instrument that it is not clear in what capacity the person making the same intended to sign, he is to be deemed an indorser;

7. Where an instrument containing the words, "I promise to pay," is signed by two or more persons, they are deemed to be jointly and severally liable thereon.

Sec. 18. No person is liable on the instrument whose signature does not appear thereon, except as Liability when signature on instrument. herein otherwise expressly provided. But one who signs in a trade or assumed name will be liable to the same extent as if he had signed in his own name.

Sec. 19. The signature of any party may be made Signature by agent. by a duly authorized agent. No particular form of appointment is necessary for this purpose; and the authority of the agent may be established as in other cases of agency.

Sec. 20. Where the instrument contains, or a person adds to his signature, words indicating that he Signing for principal. signs for or on behalf of a principal, or in a representative capacity, he is not liable on the instrument if he was duly authorized; but the mere addition of words describing him as an agent, or as filling a representative character, without disclosing his principal, does not exempt him from personal liability.

Sec. 21. A signature by "procuration" operates as Signature by "procuration." notice that the agent has but a limited authority to sign, and the principal is bound only in case the agent in so signing acted within the actual limits of his authority.

Sec. 22. The indorsement or assignment of the instrument by a corporation, or by an infant, passes the Indorsement by corporation or infant. property therein, notwithstanding that from want of capacity the corporation or infant may incur no liability thereon.

Sec. 23. Where a signature is forged or made

Forged or unauthorized signature.

without the authority of the person whose signature it purports to be, it is wholly inoperative, and no right to retain the instrument, or to give a discharge therefor, or to enforce payment thereof against any party thereto, can be acquired through or under such signature, unless the party, against whom it is sought to enforce such right, is precluded from setting up the forgery or want of authority.

ARTICLE II.

Consideration.

Be it further enacted as follows:

Consideration presumed prima facie.

Sec. 24. Every negotiable instrument is deemed prima facie to have been issued for a valuable consideration; and every person whose signature appears thereon to have become a party thereto for value.

Value, what is.

Sec. 25. Value is any consideration sufficient to support a simple contract. An antecedent or pre-existing debt constitutes value, and is deemed such whether the instrument is payable on demand, or at a future time.

Holder for value.

Sec. 26. Where value has at any time been given for the instrument, the holder is deemed a holder for value in respect to all parties who became such prior to that time.

Same.

Sec. 27. Where the holder has a lien on the instrument, arising either from contract or by implication of law, he is deemed a holder for value to the extent of his lien.

Failure of consideration.

Sec. 28. Absence or failure of consideration is no matter of defense, as against any person not a holder in due course; and partial failure of consideration is no defense pro tanto, whether the failure is an ascertained and liquidated amount or otherwise.

Accommodation party.

Sec. 29. An accommodation party is one who has signed the instrument as maker, drawer, acceptor or indorser, without receiving value therefor, and for the purpose of lending his name to some other person. Such a person is liable on the instrument to a holder for value, notwithstanding such holder at the time of taking the instrument knew him to be only an accommodation party.

ARTICLE III.

Negotiation.

Be it further enacted, as follows:

Sec. 30. An instrument is negotiated when it is transferred from one person to another in such manner as to constitute the transferee the holder thereof. If payable to bearer, it is negotiated by delivery; if payable to order, it is negotiated by the indorsement of the holder completed by delivery. Negotiation, what is.

Sec. 31. The indorsement must be written on the instrument itself, or upon a paper attached thereto. The signature of the indorser, without additional words, is a sufficient indorsement. Indorsement.

Sec. 32. The indorsement must be an indorsement of the entire instrument. An indorsement which purports to transfer to the indorsee a part only of the amount payable, or which purports to transfer the instrument to two or more indorseees severally, does not operate as a negotiation of the instrument. But where the instrument has been paid in part, it may be indorsed as to the residue. Same.

Sec. 33. An indorsement may be either special or in blank, and it may also be either restrictive or qualified, or conditional. Kinds of indorsement.

Sec. 34. A special indorsement specifies the person to whom, or to whose order the instrument is to be payable; and the indorsement of such indorsee is necessary to the further negotiation of the instrument. An indorsement in blank specifies no indorsee, and an instrument so indorsed is payable to bearer, and may be negotiated by delivery. Special and blank indorsement.

Sec. 35. The holder may convert a blank indorsement into a special indorsement by writing over the signature of the indorser in blank any contract consistent with the character of the indorsement. Blank changed to special.

Sec. 36. An indorsement is restrictive which her: Restrictive indorsement.

1. Prohibits the further negotiation of the instrument; or,

. Constitutes the indorsee the agent of the indorser; or,

3. Vests the title in the indorsee in trust for, or the use of some other person.

But the mere absence of words implying power to negotiate does not make an indorsement restrictive.

Rights of restrictive indorsee.

Sec. 37. A restrictive indorsement confers on the indorsee the right:

1. To receive payment of the instrument;
2. To bring any action thereon that the indorser could bring;

3. To transfer his rights as such indorsee, within the form of the indorsement authorizes him to do.

But all subsequent indorsees acquire only the title of the first indorsee under the restrictive indorsement.

Qualified indorsement.

Sec. 38. A qualified indorsement constitutes the indorser a mere assignor of the title to the instrument. It may be made by adding to the indorser's signature the words, "without recourse," or any words of similar import. Such an indorsement does not impair the negotiable character of the instrument.

Conditional indorsement.

Sec. 39. Where an indorsement is conditional and the party required to pay the instrument may disregard the condition and make payment to the indorsee, his transferee, whether the condition has been fulfilled or not. But any person to whom an instrument so indorsed is negotiated, will hold the same, or the proceeds thereof, subject to the rights of the person indorsing conditionally.

Payable to bearer, indorsed specially.

Sec. 40. Where an instrument, payable to bearer, is indorsed specially it may, nevertheless, be further negotiated by delivery; but the person indorsing specially is liable, as indorser, to only such holder as makes title through his indorsement.

Order of two or more indorsement.

Sec. 41. Where an instrument is payable to order of two or more payees, or indorsees, who are partners, all must indorse, unless the one indorsing has authority to indorse for the others.

Payable to fiscal officer, who may negotiate.

Sec. 42. Where an instrument is drawn or indorsed to a person as "cashier," or other fiscal officer of a bank or corporation, it is deemed prima facie payable to the bank or corporation of which he is such officer; and may be negotiated by either the indorsement of the bank or corporation, or the indorsement of the officer.

Sec. 43. Where the name of a payee or indorsee is wrongly designated or misspelled, he may indorse the instrument as therein described, adding, if he think fit, his proper signature. Name misspelled.

Sec. 44. Where any person is under obligation to indorse in a representative capacity, he may indorse in such terms as to negative personal liability. Negating liability.

Sec. 45. Except where an indorsement bears date after the maturity of the instrument, every negotiation is deemed prima facie to have been effected before the instrument was overdue. Negotiated prima facie before overdue.

Sec. 46. Except where the contrary appears every indorsement is presumed prima facie to have been made at the place where the instrument is dated. Indorsement presumed at place of date.

Sec. 47. An instrument negotiable in its origin continues to be negotiable until it has been restrictively indorsed or discharged by payment or otherwise. Negotiability continues.

Sec. 48. The holder may, at any time, strike out any indorsement which is not necessary to his title. The indorser whose indorsement is struck out, and all indorsers subsequent to him, are thereby relieved from liability on the instrument. Striking out indorsement.

Sec. 49. Where the holder of an instrument payable to his order, transfers it for value without indorsing it, the transfer vests in the transferee such title as the transferer had therein, and the transferee acquires, in addition, the right to have the indorsement of the transferer. But for the purpose of determining whether the transferee is a holder in due course, the negotiation takes effect as of the time when the indorsement is actually made. Transfer without indorsement.

Sec. 50. Where an instrument is negotiated back to a prior party, such party may, subject to the provisions of this act, reissue and further negotiate the same. But he is not entitled to enforce payment thereof against any intervening party to whom he was personally liable. Negotiation back to prior party.

ARTICLE IV.

Rights of the Holder.

· it further enacted, as follows:

· 51. The holder of a negotiable instrument

| | |
|--|--|
| Holder may sue. | may sue thereon in his own name, and payment to in due course discharges the instrument. |
| Holder in due course. | Sec. 52. A holder in due course is a holder who has taken the instrument under the following conditions: <ol style="list-style-type: none"> 1. That it is complete and regular upon its face; 2. That he became the holder of it before it was overdue, and without notice that it had been previously dishonored, if such was the fact; 3. That he took it in good faith and for value; 4. That at the time it was negotiated to him he had no notice of any infirmity in the instrument, or of any defect in the title of the person negotiating it. |
| Not holder in due course, when. | Sec. 53. Where an instrument payable on demand is negotiated an unreasonable length of time after its issue, the holder is not deemed a holder in due course. |
| Holder to extent of payment. | Sec. 54. Where the transferee receives notice of any infirmity in the instrument, or defect in the title of the person negotiating the same before he has paid the full amount agreed to be paid therefor, he is not deemed a holder in due course only to the extent of the amount theretofore paid by him. |
| Title defective, when. | Sec. 55. The title of a person who negotiates an instrument is defective within the meaning of this act, when he obtained the instrument, or any part thereof, by fraud, duress or force and fear, or by other unlawful means, or for an illegal consideration, or when he negotiates it in breach of faith, or under such circumstances as amount to a fraud. |
| Notice of infirmity. | Sec. 56. To constitute notice of an infirmity in an instrument, or defect in the title of the person negotiating the same, the person to whom it is negotiated must have had actual knowledge of the infirmity or defect, or knowledge of such facts that his act in taking the instrument amounted to bad faith. |
| No defense against holder in due course. | Sec. 57. A holder in due course holds the instrument free from any defect of title of prior parties, and free from defenses available to prior parties themselves, and may enforce payment of the instrument for the full amount thereof against all parties liable thereon. |
| Defenses against one not holder in due course. | Sec. 58. In the hands of any holder other than a holder in due course, a negotiable instrument is subject to the same defenses as if it were non-negotiable. |

But a holder who derives his title through a holder in due course, and who is not himself a party to any fraud or illegality affecting the instrument, has all the rights of such former holder in respect of all parties prior to the latter.

Sec. 59. Every holder is deemed prima facie to be a holder in due course, but when it is shown that the title of any person who has negotiated the instrument was defective, the burden is on the holder to prove that he, or some person, under whom he claims acquired the title as a holder in due course. But the last mentioned rule does not apply in favor of a party who became bound in the instrument prior to the acquisition of such defective title.

Prima facie
presumed
holder in due
course.

ARTICLE V.

Liabilities of Parties.

Be it further enacted, as follows:

Sec. 60. The maker of a negotiable instrument, by making it engages that he will pay it according to its tenor; and admits the existence of the payee and his then capacity to indorse.

Maker's con-
tract.

Sec. 61. The drawer, by drawing the instrument, admits the existence of the payee and his then capacity to indorse; and engages that on due presentment the instrument will be accepted or paid, or both, according to its tenor, and that if it be dishonored, and the necessary proceedings on dishonor be duly taken, he will pay the amount thereof to the holder, or to any subsequent indorser who may be compelled to pay it. But the drawer may insert in the instrument an express stipulation negating or limiting his own liability to the holder.

Drawer's con-
tract.

Sec. 62. The acceptor, by accepting the instrument, engages that he will pay it according to the tenor of his acceptance, and admits:

Acceptor's con-
tract.

1. The existence of the drawer, the genuineness of his signature, and his capacity and authority to draw the instrument; and,
2. The existence of the payee and his then capacity to indorse.

Person presumed indorser

Sec. 63. A person placing his signature upon an instrument otherwise than as a maker, drawer or acceptor, is deemed to be an indorser, unless he clearly indicates by appropriate words his intention to be bound in some other capacity.

Signing in blank before delivery, liability.

Sec. 64. Where a person, not otherwise a party to an instrument, places thereon his signature in blank before delivery, he is liable, as indorser, in accordance with the following rules:

1. If the instrument is payable to the order of a third person, he is liable to the payee and to all subsequent parties.

2. If the instrument is payable to the order of the maker or drawer, or is payable to bearer, he is liable to all parties subsequent to the maker or drawer.

3. If he signs for the accommodation of the payee, he is liable to all parties subsequent to the payee.

Warranty of person negotiating.

Sec. 65. Every person negotiating an instrument by delivery or by a qualified indorsement, warrants:

1. That the instrument is genuine and in all respects what it purports to be;

2. That he has a good title to it;

3. That all prior parties had capacity to contract;

4. That he has no knowledge of any fact which would impair the validity of the instrument, or render it valueless. But when the negotiation is by delivery only, the warranty extends in favor of no holder other than the immediate transferee.

The provisions of subdivision three of this section do not apply to persons negotiating public or corporate securities, other than bills and notes.

Warranty of indorser.

Sec. 66. Every indorser who indorses without qualification warrants to all subsequent holders in due course:

1. The matters and things mentioned in subdivisions one, two and three, of the next preceding section and,

2. That the instrument is at the time of his indorsement valid and subsisting.

And, in addition, he engages that, on due presentment, it shall be accepted or paid, or both, as the case may be, according to its tenor, and that if it be di-

honored, and the necessary proceedings on dishonor be duly taken, he will pay the amount thereof to the holder, or to any subsequent indorser who may be compelled to pay it.

Sec. 67. Where a person places his indorsement on an instrument negotiable by delivery, he incurs all the liabilities of an indorser.

Sec. 68. As respects one another, indorsers are liable prima facie in the order in which they indorse; but evidence is admissible to show that as between or among themselves they have agreed otherwise.

Order of liability of indorsers.

Joint payees, or joint indorsees, who indorse are deemed to indorse jointly and severally.

Sec. 69. Where a broker or other agent, negotiates an instrument without indorsement, he incurs all the liabilities prescribed by section sixty-five of this act, unless he discloses the name of his principal, and the fact that he is acting only as agent.

Liability of broker or agent negotiating.

ARTICLE VI.

Presentment for Payment.

Be it further enacted, as follows:

Sec. 70. Presentment for payment is not necessary in order to charge the person primarily liable on the instrument; but if the instrument is, by its terms, payable at a special place, and he is able and willing to pay it there at maturity, such ability and willingness are equivalent to a tender of payment upon his part. But except as herein otherwise provided, presentment for payment is necessary in order to charge the drawer and indorsers.

Presentment for payment; "ability and willingness" equivalent to tender.

Sec. 71. Where the instrument is not payable on demand, presentment must be made on the day it falls due. Where it is payable on demand, presentment must be made within a reasonable time after its issue, except that in the case of a bill of exchange, presentment for payment will be sufficient, if made within a reasonable time after the last negotiation thereof.

Presentment, when made.

Sec. 72. Presentment for payment, to be sufficient, must be made:

Sufficient presentment.

By the holder, or by some person authorized to give payment on his behalf;

2. At a reasonable hour on a business day;
3. At a proper place, as herein defined.
4. To the person primarily liable on the instrument, or, if he is absent or inaccessible to any person at the place where the presentment is made.

Proper place of presentment.

Sec. 73. Presentment for payment is made at proper place:

1. Where a place of payment is specified in the instrument, and it is there presented;

2. Where no place of payment is specified, the address of the person to make payment is given in the instrument and it is there presented;

3. Where no place of payment is specified and no address is given, and the instrument is presented at the usual place of business or residence of the person to make payment;

4. In any other case, if presented to the person to make payment wherever he can be found, or presented at his last known place of business or residence.

Exhibited and delivered.

Sec. 74. The instrument must be exhibited to the person from whom payment is demanded, and the instrument is paid must be delivered up to the party paying.

Payable at bank.

Sec. 75. Where the instrument is payable at a bank, presentment for payment must be made at the bank during banking hours, unless the person to make payment has no funds there to meet it at any time during the day, in which case presentment at any hour before the bank is closed on that day is sufficient.

Presentment when person primarily liable dead.

Sec. 76. Where the person primarily liable on the instrument is dead, and no place of payment is specified, presentment for payment must be made to his personal representative, if such there be, and if not, then to the executor or administrator, or to the person who exercises reasonable diligence, he can be made.

Partners liable and no place of payment.

Sec. 77. Where the persons primarily liable on the instrument are liable as partners, and no place of payment is specified, presentment for payment may be made to any one of them, even though there has been a dissolution of the firm.

Presentment to all liable.

Sec. 78. Where there are several persons, jointly or severally, primarily liable on the instrument, and no place of payment is specified, presentment must be made to all of them.

Not required to charge drawer, when.

Sec. 79. Presentment for payment is not required in order to charge the drawer, where he has no funds on hand or in the bank.

to expect or require that the drawee or acceptor will pay the instrument.

Sec. 80. Presentment for payment is not required in order to charge an indorser where the instrument was made or accepted for his accommodation, and he has no reason to expect that the instrument will be paid if presented. Not required to charge indorser, when.

Sec. 81. Delay in making presentment for payment is excused when the delay is caused by circumstances beyond the control of the holder, and not imputable to his default, misconduct or negligence. When the cause of delay ceases to operate, presentment must be made with reasonable diligence. Delay in making presentment; reasonable diligence.

Sec. 82. Presentment for payment is dispensed with: Presentment for payment dispensed with.

1. Where, after the exercise of reasonable diligence, presentment as required by this act cannot be made;

2. Where the drawee is a fictitious person;

3. By waiver of presentment, express or implied.

Sec. 83. The instrument is dishonored by nonpayment, when: Dishonor by nonpayment, when.

1. It is duly presented for payment, and payment is refused or cannot be obtained; or,

2. Presentment is excused and the instrument is overdue and unpaid.

Sec. 84. Subject to the provisions of this act, when the instrument is dishonored by nonpayment, an immediate right of recourse to all parties secondarily liable thereon accrues to the holder. Dishonor by nonpayment, recourse to parties secondarily liable.

Sec. 85. Every negotiable instrument is payable at the time fixed therein, without grace. When the day of maturity falls upon Sunday, or a holiday, the instrument is payable on the next succeeding business day. Instruments falling due on Saturday are to be presented for payment on the next succeeding business day, except that instruments payable on demand may, at the option of the holder, be presented for payment before 12 o'clock noon on Saturday, when that entire day is not a holiday. Payable, when.

Sec. 86. Where the instrument is payable at a fixed period after date, after sight, or after the happening of a specified event, the time of payment is deter- Same.

mined by excluding the day from which the time to begin to run, and by including the date of payment.

Payable at bank, equivalent to what.

Sec. 87. Where the instrument is made payable a bank, it is equivalent to an order to the bank to pay the same for the account of the principal debtor thereon.

Payment in due course.

Sec. 88. Payment is made in due course when it is made at or after the maturity of the instrument to the holder thereof, in good faith, and without notice that his title is defective.

ARTICLE VII.

Notice of Dishonor.

Be it further enacted, as follows:

Notice of dishonor to drawer and indorser.

Sec. 89. Except as herein otherwise provided, when a negotiable instrument has been dishonored by nonacceptance or nonpayment, notice of dishonor must be given to the drawer and to each indorser, and to any drawer or indorser to whom such notice is given is discharged.

On whose behalf notice given.

Sec. 90. The notice may be given by or on behalf of the holder, or by or on behalf of any party to the instrument who might be compelled to pay it to the holder, and who, upon taking it up, would have a right to reimbursement from the party to whom notice is given.

Given by agent

Sec. 91. Notice of dishonor may be given by an agent, either in his own name, or in the name of a party entitled to give notice, whether that party is his principal or not.

To whom benefit of notice inures.

Sec. 92. Where notice is given by or on behalf of the holder, it inures for the benefit of all subsequent holders and all prior parties who have a right of recourse against the party to whom it is given.

Same.

Sec. 93. Where notice is given by or on behalf of a party entitled to give notice, it inures for the benefit of the holder and all parties subsequent to the party to whom notice is given.

Notice by agent.

Sec. 94. Where the instrument has been dishonored in the hands of an agent, he may either himself give notice to the parties liable thereon, or he may

give notice to his principal. If he give notice to his principal, he must do so within the same time as if he were the holder, and the principal, upon the receipt of such notice, has himself the same time for giving notice as if the agent had been an independent holder.

Sec. 95. A written notice need not be signed, and As to what is notice. an insufficient written notice may be supplemented and validated by verbal communication. A misdescription of the instrument does not vitiate the notice unless the party to whom the notice is given is in fact misled thereby.

Sec. 96. The notice may be in writing or merely Same. oral, and may be given in any terms which sufficiently identify the instrument, and indicate that it has been dishonored by nonacceptance or nonpayment. It may, in all cases, be given by delivering it personally or through the mails.

Sec. 97. Notice of dishonor may be given either to To whom given the party himself, or to his agent in that behalf.

Sec. 98. When any party is dead, and his death is Where party is dead. known to the party giving notice, the notice must be given to a personal representative, if there be one, and if, with reasonable diligence he can be found. If there be no personal representative, notice may be sent to the last residence or last place of business of the deceased.

Sec. 99. Where the parties to be notified are part- To partners. ners, notice to any one partner is notice to the firm, even though there has been a dissolution.

Sec. 100. Notice to joint parties who are not part- To joint parties not partners. ners, must be given to each of them, unless one of them has authority to receive such notice for the others.

Sec. 101. Where a party has been adjudged a When party insolvent, etc. bankrupt or an insolvent, or has made an assignment for the benefit of creditors, notice may be given either to the party himself, or to his trustee or assignee.

Sec. 102. Notice may be given as soon as the in- When given. strument is dishonored, and unless delay is excused hereinafter provided, must be given within the time red by this act.

Sec. 103. Where the person giving and the person Residence in same place. receive notice reside in the same place, notice must given within the following times:

1. If given at the place of business of the person to receive notice, it must be given before the close of business hours on the day following;

2. If given at his residence, it must be given before the usual hours of rest on the day following;

3. If sent by mail, it must be deposited in the postoffice in time to reach him in usual course on the following.

Residence in different places

Sec. 104. Where the person giving and the person to receive notice reside in different places, the notice must be given within the following times:

1. If sent by mail, it must be deposited in the postoffice in time to go by mail the day following the date of dishonor, or if there be no mail at a convenient hour on that day, by the next mail thereafter.

2. If given otherwise than through the postoffice then within the time that notice would have been received in due course of mail, if it had been deposited in the postoffice within the time specified in the subdivision.

Due notice upon deposit in postoffice.

Sec. 105. Where notice of dishonor is duly addressed and deposited in the postoffice, the sender is deemed to have given due notice, notwithstanding miscarriage in the mails.

Deposit in postoffice, what is.

Sec. 106. Notice is deemed to have been deposited in the postoffice when deposited in any branch postoffice or in any letter-box under the control of the postoffice department.

Notice by party receiving notice.

Sec. 107. Where a party receives notice of dishonor, he has, after the receipt of such notice, the same time for giving notice to antecedent parties that the holder has after the dishonor.

When address given and when not.

Sec. 108. Where a party has added an address to his signature, notice of dishonor must be sent to that address; but if he has not given such address, then notice must be sent as follows:

1. Either to the postoffice nearest to his place of residence, or to the postoffice where he is accustomed to receive his letters; or,

2. If he live in one place and have his place of business in another, notice may be sent to either place; or,

3. If he is sojourning in another place, notice must be sent to the place where he is so sojourning.

But where the notice is actually received by the party within the time specified in this act, it will be sufficient, though not sent in accordance with the requirements of this section.

Sec. 109. Notice of dishonor may be waived, either before the time of giving notice has arrived, or after the omission to give due notice, and the waiver may be express or implied. Waiver of notice.

Sec. 110. Where the waiver is embodied in the instrument itself, it is binding upon all parties; but where it is written above the signature of an indorser, it binds him only. Same.

Sec. 111. A waiver of protest, whether in the case of a foreign bill of exchange or other negotiable instrument, is deemed to be a waiver not only of a formal protest, but also of presentment and notice of dishonor. Waiver of protest, includes what.

Sec. 112. Notice of dishonor is dispensed with when after the exercise of reasonable diligence, it cannot be given to, or does not reach the parties sought to be charged. When notice dispensed with.

Sec. 113. Delay in giving notice of dishonor is excused when the delay is caused by circumstances beyond the control of the holder and not imputable to his default, misconduct or negligence. When the cause of delay ceases to operate, notice must be given with reasonable diligence. Delay in giving excused, when.

Sec. 114. Notice of dishonor is not required to be given to the drawer in either of the following cases: Not required to be given to drawer, when.

1. Where the drawer and drawee are the same person;

2. Where the drawee is a fictitious person, or a person not having capacity to contract;

3. Where the drawer is the person to whom the instrument is presented for payment.

4. Where the drawer has no right to expect or rely that the drawee or acceptor will honor the instrument;

5. Where the drawer has countermanded payment.

Sec. 115. Notice of dishonor is not required to be given to an indorser in either of the following cases: Not required to be given to indorser, when.

1. Where the drawee is a fictitious person, or a person not having capacity to contract, and the indorser

was aware of the fact at the time he indorsed the instrument;

2. Where the indorser is the person to whom instrument is presented for payment;

3. Where the instrument was made or accepted for his accommodation.

Notice of non-acceptance.

Sec. 116. Where due notice of dishonor by nonacceptance has been given, notice of a subsequent honor by nonpayment is not necessary, unless in meantime the instrument has been accepted.

Omission to give same.

Sec. 117. An omission to give notice of dishonor by nonacceptance does not prejudice the rights of holder in due course subsequent to the omission.

Protest.

Sec. 118. Where any negotiable instrument has been dishonored, it may be protested for nonacceptance or nonpayment, as the case may be; but protest is not required, except in the case of foreign bill of exchange.

ARTICLE VIII.

Discharge of Negotiable Instruments.

Be it further enacted, as follows:

Discharge.

Sec. 119. A negotiable instrument is discharged:

1. By payment in due course, by or on behalf of the principal debtor;

2. By payment in due course, by the party accommodated, where the instrument is made or accepted for accommodation;

3. By the intentional cancellation thereof by the holder;

4. By any other act which will discharge a simple contract for the payment of money;

5. When the principal debtor becomes the holder of the instrument at or after maturity in his own right.

Secondarily liable, how discharged.

Sec. 120. A person secondarily liable on the instrument is discharged:

1. By any act which discharges the instrument;

2. By the intentional cancellation of his signature by the holder;

3. By the discharge of a prior party;

4. By a valid tender of payment made by a prior party;

5. By a release of the principal debtor, unless the holder's right of recourse against the party secondarily liable is expressly reserved;

6. By any agreement binding upon the holder to extend the time of payment, or to postpone the holder's right to enforce the instrument, unless made with the assent of the party secondarily liable, or unless the right of recourse against such party is expressly reserved.

Sec. 121. Where the instrument is paid by a party secondarily liable thereon, it is not discharged; but the party so paying it is remitted to his former rights as regards all prior parties, and he may strike out his own, and all subsequent indorsements, and again negotiate the instrument, except:

Payment to party secondarily liable.

1. Where it is payable to the order of a third person, and has been paid by the drawer; and,

2. Where it was made or accepted for accommodation, and has been paid by the party accommodated.

Sec. 122. The holder may expressly renounce his rights against any party to the instrument, before, at, or after its maturity. An absolute and unconditional renunciation of his rights against the principal debtor, made at or after the maturity of the instrument, discharges the instrument. But a renunciation does not affect the rights of a holder in due course without notice. A renunciation must be in writing, unless the instrument is delivered up to the persons primarily liable thereon.

Renunciation of rights.

Sec. 123. A cancellation made unintentionally, or under a mistake, or without the authority of the holder, is inoperative; but where an instrument or any signature thereon appears to have been canceled, the burden of proof lies on the party who alleges that the cancellation was made unintentionally, or under a mistake, or without authority.

Cancellation; burden of proof.

Sec. 124. Where a negotiable instrument is materially altered without the assent of all parties liable thereon, it is avoided, except as against a party who has himself made, authorized or assented to the alteration, and subsequent indorsers.

Material alteration.

But where an instrument has been materially altered and is in the hands of a holder in due course, not

a party to the alteration, he may enforce payment thereof, according to its original term.

What is a material alteration.

Sec. 125. Any alteration which changes:

1. The date;
2. The sum payable, either for principal or interest;
3. The time or place of payment;
4. The number, or the relations of the parties;
5. The medium or currency in which payment be made;

Or which adds a place of payment where none of payment is specified, or any other change or addition which alters the effect of the instrument in respect, is a material alteration.

TITLE 2.—BILLS OF EXCHANGE.

ARTICLE I.

Form and Interpretation.

Be it further enacted, as follows:

Definition.

Sec. 126. A bill of exchange is an unconditional order in writing, addressed by one person to another, signed by the person giving it, requiring the person to whom it is addressed to pay on demand, or at a fixed or determinable future time, a sum certain in money to order or to bearer.

Not assignment.

Sec. 127. A bill of itself does not operate as an assignment of the funds in the hands of the drawee available for the payment thereof, and the drawer is not liable on the bill, unless and until he accepts the same.

Addressed, how.

Sec. 128. A bill may be addressed to two or more drawees jointly, whether they are partners or not; or to two or more drawees in the alternative or in succession.

Inland bill, what is.

Sec. 129. An inland bill of exchange is a bill which is, or on its face purports to be both drawn and payable within this state. Any other bill is a foreign bill. Unless the contrary appears on the face of the bill, the holder may treat it as an inland bill.

Treated as bills of exchange or note, when.

Sec. 130. Where, in a bill drawer and drawee are the same person, or where the drawee is a fictitious person, or a person not having capacity to contract,

the holder may treat the instrument, at his option, either as a bill of exchange or a promissory note.

Sec. 131. The drawer of a bill and any indorser may insert thereon the name of a person to whom the holder may resort in case of need, that is to say, in case the bill is dishonored by nonacceptance or non-payment. Such person is called the referee in case of need. It is in the option of the holder to resort to the referee in case of need, or not, as he may see fit.

Referee in case of need.

ARTICLE II.

Acceptance.

Be it further enacted, as follows:

Sec. 132. The acceptance of a bill is the signification by the drawee of his assent to the order of the drawer. The acceptance must be in writing and signed by the drawee. It must not express that the drawee will perform his promise by any other means than the payment of money.

Acceptance, what is.

Sec. 133. The holder of a bill presenting the same for acceptance, may require that the acceptance be written on the bill, and if such a request is refused, may treat the bill as dishonored.

Written acceptance may be required.

Sec. 134. Where an acceptance is written on a paper other than the bill itself, it does not bind the acceptor, except in favor of a person to whom it is shown and who, on the faith thereof, receives the bill for value.

Acceptance on different paper

Sec. 135. An unconditional promise in writing to accept a bill before it is drawn, is deemed an actual acceptance in favor of every person who, upon the faith thereof receives the bill for value.

Promise to accept deemed actual acceptance, when.

Sec. 136. The drawee is allowed twenty-four hours after presentment in which to decide whether or not he will accept the bill; but the acceptance, if made, dates as of the day of presentation.

Drawee allowed time.

Sec. 137. Where a drawee to whom a bill is delivered for acceptance, destroys the same, or refuses to accept within twenty-four hours after such delivery, or within such other period as the holder may allow, to return the bill, accepted or nonaccepted to the holder, he shall be deemed to have accepted the same.

Drawee deemed to have accepted, when.

Acceptance,
when.

Sec. 138. A bill may be accepted before it has been signed by the drawer, or while otherwise incomplete, or when it is overdue, or after it has been honored by a previous refusal to accept or by nonpresentment. But when a bill, payable after sight is dishonored by nonacceptance and the drawee subsequently accepts it, the holder, in the absence of any different agreement, is entitled to have the bill accepted as if on the date of the first presentment.

General and
qualified ac-
ceptance.

Sec. 139. An acceptance is either general or qualified. A general acceptance assents without qualification to the order of the drawer. A qualified acceptance, in express terms, varies the effect of the bill as drawn.

General ac-
ceptance, what
is.

Sec. 140. An acceptance to pay at a particular place is a general acceptance, unless it expressly states that the bill is to be paid there only, and not elsewhere.

Qualified ac-
ceptance.

Sec. 141. An acceptance is qualified, which is

1. Conditional, that is to say, which makes the payment by the acceptor dependent on the fulfillment of a condition therein stated;

2. Partial, that is to say, an acceptance to pay only of the amount for which the bill is drawn;

3. Local, that is to say, an acceptance to pay at a particular place;

4. Qualified as to time;

5. The acceptance of some one or more of the drawers, but not of all.

Refusal or as-
sent to qual-
ified acceptance

Sec. 142. The holder may refuse to take a qualified acceptance, and if he does not obtain an unconditional acceptance, he may treat the bill as dishonored by nonacceptance. Where a qualified acceptance is taken by the holder, the drawer and indorsers are discharged from liability on the bill, unless they have expressly or impliedly authorized the holder to take a qualified acceptance, or subsequently assent thereto. When the drawer or an indorser receives notice of a qualified acceptance, he must, within a reasonable time, express his dissent to the holder, or he will be deemed to have assented thereto.

ARTICLE III.

Presentment for Acceptance.

Be it further enacted, as follows:

Sec. 143. Presentment for acceptance must be made: Presentment for acceptance.

1. Where the bill is payable after sight, or in any other case where presentment for acceptance is necessary in order to fix the maturity of the instrument; or,

2. Where the bill expressly stipulates that it shall be presented for acceptance; or,

3. Where the bill is drawn, payable elsewhere than at the residence or place of business of the drawee.

In no other case is presentment for acceptance necessary in order to render any party to the bill liable.

Sec. 144. Except as herein otherwise provided, the holder of a bill which is required by the next preceding section to be presented for acceptance, must either present it for acceptance or negotiate it within a reasonable time. If he fail to do so, the drawer and all indorsers are discharged. Must present or negotiate in reasonable time.

Sec. 145. Presentment for acceptance must be made by or on behalf of the holder, at a reasonable hour, on a business day and before the bill is overdue, to the drawee or some person authorized to accept or refuse acceptance on his behalf; and, By whom, where, when, to whom, etc. must be made.

1. Where a bill is addressed to two or more drawees who are not partners, presentment must be made to them all, unless one has authority to accept or refuse acceptance for all, in which case presentment may be made to him only;

2. Where the drawee is dead, presentment may be made to his personal representative;

Where the drawee has been adjudged a bankrupt or an insolvent, or has made an assignment for the benefit of creditors, presentment may be made to him or to his trustee or assignee.

Sec. 146. A bill may be presented for acceptance any day on which negotiable instruments may be presented for payment under the provisions of section seventy-two and eighty-five of this act. When When may be presented.

Saturday is not otherwise a holiday, present acceptance may be made before 12 o'clock that day.

Delay, when excused.

Sec. 147. Where the holder of a bill drafts elsewhere than at the place of business of the drawee, has not time, with the exercise of reasonable diligence, to present the bill for acceptance before presenting it for payment on the day it falls due, the delay caused by presenting the bill for acceptance before presenting it for payment is excused, and does not discharge the drawers and indorsers.

Presentment for acceptance excused, when.

Sec. 148. Presentment for acceptance is excused, and a bill may be treated as dishonored by nonacceptance, in either of the following cases:

1. Where the drawee is dead, or has absconded, or is a fictitious person, or a person not having capacity to contract by bill;

2. Where, after the exercise of reasonable diligence, presentment cannot be made;

3. Where, although presentment has been irregular, acceptance has been refused on some other ground.

Dishonor by nonacceptance

Sec. 149. A bill is dishonored by nonacceptance:

1. When it is duly presented for acceptance, and such an acceptance as is prescribed by this act is refused or cannot be obtained; or,

2. When presentment for acceptance is excused and the bill is not accepted.

Duly presented treated as dishonored, when.

Sec. 150. Where a bill is duly presented for acceptance and is not accepted within the prescribed time, the person presenting it must treat the bill as dishonored by nonacceptance, or he loses the right of recourse against the drawer and indorsers.

Dishonor by nonacceptance effect.

Sec. 151. When a bill is dishonored by nonacceptance, an immediate right of recourse against the drawers and indorsers accrues to the holder, and no presentment for payment is necessary.

ARTICLE IV.

Protest.

Be it further enacted, as follows:

Protest.

Sec. 152. Where a foreign bill appearing on face to be such is dishonored by nonacceptance

must be duly protested for nonacceptance, and where such a bill which has not previously been dishonored by nonacceptance is dishonored by nonpayment it must be duly protested for nonpayment. If it is not so protested, the drawer and indorsers are discharged. Where a bill does not appear on its face to be a foreign bill, protest thereof in case of dishonor is unnecessary.

Sec. 153. The protest must be annexed to the bill, ^{Requisites of protes .} or must contain a copy thereof, and must be under the hand and seal of the notary making it, and must specify:

1. The time and place of presentment;
2. The fact that presentment was made, and the manner thereof;
3. The cause or reason for protesting the bill;
4. The demand made and the answer given, if any, or the fact that the drawee or acceptor could not be found.

Sec. 154. Protest may be made by:

By whom.

1. A notary public; or,
2. By any respectable resident of the place where the bill is dishonored, in the presence of two or more credible witnesses.

Sec. 155. When a bill is protested, such protest ^{When made} must be made on the day of its dishonor, unless delay is excused as herein provided. When a bill has been duly noted, the protest may be subsequently extended as of the date of the noting.

Sec. 156. A bill must be protested at the place ^{Where made} where it is dishonored, except that when a bill drawn payable at the place of business or residence of some person other than the drawee, has been dishonored by nonacceptance, it must be protested for nonpayment at the place where it is expressed to be payable, and no other presentment for payment to, or demand on the drawee is necessary.

Sec. 157. A bill which has been protested for nonacceptance may be subsequently protested for nonpayment.

Sec. 158. Where the acceptor has been adjudged ^{In case of insolvency, etc , of acceptor.} bankrupt or an insolvent, or has made an assignment for the benefit of creditors, before the bill ma-

tures, the holder may cause the bill to be protested for better security against the drawer and indorsers.

Protest dispensed with, when.

Sec. 159. Protest is dispensed with by any circumstances which would dispense with notice of dishonor. Delay in noting or protesting is excused when delay is caused by circumstances beyond the control of the holder and not imputable to his default, misconduct or negligence. When the cause of delay ceases to operate, the bill must be noted or protested with reasonable diligence.

Protest on copy.

Sec. 160. Where a bill is lost or destroyed or wrongly detained from the person entitled to hold it, protest may be made on a copy or written particulars thereof.

ARTICLE V.

Acceptance for Honor.

Be it further enacted, as follows:

Who may accept for honor; in full or as to part.

Sec. 161. Where a bill of exchange has been protested for dishonor by nonacceptance, or protested for better security, and is not overdue, any person being a party already liable thereon, may, with the consent of the holder, intervene and accept the bill supra protest for the honor of any party liable thereon or for the honor of the person for whose account the bill is drawn. The acceptance for honor may be for part only of the sum for which the bill is drawn. And where there has been an acceptance for honor for one party, there may be a further acceptance by a different person for the honor of another party.

How made.

Sec. 162. An acceptance for honor supra protest must be in writing, and indicate that it is an acceptance for honor, and must be signed by the acceptor for honor.

For honor of drawer.

Sec. 163. Where an acceptance for honor does not expressly state for whose honor it is made, it is deemed to be an acceptance for the honor of the drawer.

To whom such acceptor liable.

Sec. 164. The acceptor for honor is liable to the holder and to all parties to the bill subsequent to the party for whose honor he has accepted.

Contract of acceptor for honor.

Sec. 165. The acceptor for honor by such acceptance, engages that he will, on due presentment, pay

the bill according to the terms of his acceptance, provided it shall not have been paid by the drawee, and provided, also, that it shall have been duly presented for payment and protested for nonpayment and notice of dishonor given to him.

Sec. 166. Where a bill payable after sight is accepted for honor, its maturity is calculated from the date of the noting for nonacceptance, and not from the date of the acceptance for honor. Maturity calculated from what.

Sec. 167. Where a dishonored bill has been accepted for honor supra protest or contains a reference in case of need, it must be protested for nonpayment before it is presented for payment to the acceptor for honor or referee in case of need. Must protest for nonpayment, when.

Sec. 168. Presentment for payment to the acceptor for honor must be made as follows: Presentment to acceptor for honor; how made.

1. If it is to be presented in the place where the protest for nonpayment was made, it must be presented not later than the day following its maturity.

2. If it is to be presented in some other place than the place where it was protested, then it must be forwarded within the time specified in section 104.

Sec. 169. The provisions of section eighty-one apply where there is delay in making presentment to the acceptor for honor or referee in case of need. Section 81 applies.

Sec. 170. When the bill is dishonored by the acceptor for honor, it must be protested for nonpayment by him. Protest on dishonor by acceptor for honor.

ARTICLE VI.

Payment for Honor.

Be it further enacted, as follows:

Sec. 171. Where a bill has been protested for nonpayment, any person may intervene and pay it supra protest for the honor of any person liable thereon, or for the honor of the person for whose account it was drawn. Payment for honor.

Sec. 172. The payment for honor supra protest, in order to operate as such, and not as a mere voluntary payment, must be attested by a notarial act of honor which may be appended to the protest or from an extension to it. How attested.

Notarial act
founded on
what.

Sec. 172. The notarial act of honor must be founded on a declaration made by the payer for honor by his agent in that behalf, declaring his intent to pay the bill for honor and for whose honor he pays.

Preference be-
tween payers
for honor.

Sec. 174. Where two or more persons offer a bill for the honor of different parties, the payment will discharge most parties to the extent it is to be given the preference.

Effect of pay-
ment for honor.

Sec. 175. Where a bill has been paid for honor by a party subsequent to the party for whose honor it was paid, the payer for honor is discharged, but the party for whose honor it was paid is not, and succeeds to both the rights and obligations of the holder as regards the party for whose honor it was paid and all parties liable to the latter.

Refusal of
payment for
honor; effect.

Sec. 176. Where the holder of a bill refuses to receive payment *supra protest*, he loses his right of recourse against any party who would have been discharged by such payment.

What payer
for honor to
receive.

Sec. 177. The payer for honor, on paying the holder the amount of the bill and the notarial expenses incidental to its dishonor, is entitled to receive the bill itself and the protest.

ARTICLE VII.

Bills in a Set.

Be it further enacted, as follows:

Bill drawn in
set.

Sec. 178. Where a bill is drawn in a set, each part of the set being numbered and containing a reference to the other parts, the whole of the parts constitute one bill.

Who true owner
of such bill.

Sec. 179. Where two or more parts of a bill are negotiated to different holders in due course of business, the title first accrues is, as between the holders, the true owner of the bill. But nothing in this section affects the rights of a person who in due course accepts or pays the part first presented to him.

Indorsement
of two or more
parts, effect.

Sec. 180. Where the holder of a set indorses or more parts to different persons, he is liable on each part, and every indorser subsequent to him is liable on the part he has himself indorsed, as if the parts were separate bills.

Sec. 181. The acceptance may be written on any part, and it must be written on one part only. If the drawee accepts more than one part, and such accepted parts are negotiated to different holders in due course, he is liable on every such part as if it were a separate bill.

Acceptance of more than one part, effect.

Sec. 182. When the acceptor of a bill drawn in a set pays it without requiring the part bearing his acceptance to be delivered up to him, and that part at maturity is outstanding in the hands of a holder in due course, he is liable to the holder thereon.

Part not delivered up, acceptor liable on, when.

Sec. 183. Except as herein otherwise provided, where any one part of a bill drawn in a set is discharged by payment or otherwise, the whole bill is discharged.

Payment of part discharges whole bill.

TITLE 3.—PROMISSORY NOTES AND CHECKS.

ARTICLE I.

Be it further enacted as follows:

Sec. 184. A negotiable promissory note within the meaning of this act is an unconditional promise in writing made by one person to another, signed by the maker, engaging to pay on demand or at a fixed or determinable future time, a sum certain in money to order or to bearer. Where a note is drawn to the maker's own order, it is not complete until indorsed by him.

Definition of note.

Sec. 185. A check is a bill of exchange drawn on a bank, payable on demand. Except as herein otherwise provided, the provisions of this act applicable to a bill of exchange payable on demand apply to a check.

Definition of check; provisions applicable to.

Sec. 186. A check must be presented for payment within a reasonable time after its issue, or the drawer will be discharged from liability thereon to the extent of the loss caused by the delay.

When check presented; drawer discharged, when and extent.

Sec. 187. Where a check is certified by the bank which it is drawn, the certification is equivalent to acceptance.

Certification equivalent to acceptance.

Check certified,
drawer, etc.,
discharged.

Sec. 188. Where the holder of a check procures to be accepted or certified, the drawer and all indorsers are discharged from liability thereon.

Check does not
assign funds;
when bank lia-
ble.

Sec. 189. A check of itself does not operate as assignment of any part of the funds to the credit of the drawer with the bank, and the bank is not liable to the holder, unless and until it accepts or certifies the check.

Sec. 190. Be it further enacted, That this act take effect forty days after its passage, the public welfare requiring it.

Passed April 3, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved April 6, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 95.

HOUSE BILL No. 151.

AN ACT to amend an act, approved April the 29th 1897, being chapter 299 of the regular session 1897, entitled an act for the protection of fish in Haywood, Rutherford, and Hardeman counties.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That an act passed by the general assembly at its regular session 1897, and approved April the 29th, 1897, be so amended that shall be lawful for any resident citizen of Hardeman county, Tennessee, to catch fish in any of the streams and lakes in Hardeman county, Tennessee, in the following manner: by hands or grabbling, by the use of basket, and by slat traps, and by seining and netting; Provided, That the slats of traps are two inches apart, and the meshes in seines and nets are two inches apart.

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with this act be, and the same are hereby, repealed, and that this act take effect from and after its passage, the public welfare requiring it.

Passed January 20, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved January 24, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 96.

HOUSE BILL No. 523.

AN ACT to create the office of county attorney of Davidson county, and to prescribe the duties thereof.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That there is hereby created the office of county attorney of Davidson county. Said officer shall be elected by the quarterly county court of Davidson county at its April term, for the period of two years, and biennially ever thereafter. His salary shall be fixed by said court at the time he is elected, and shall not be diminished or increased during his term of office.

Sec. 2. Be it further enacted, That it shall be the duty of said county attorney to transact all the legal business of said county either in court or otherwise, and to advise the county officials upon legal matters affecting their offices. And no officer of said county shall employ any other attorney save at his own personal expense, unless he shall be first authorized and empowered by the quarterly court.

Sec. 3. Be it further enacted, That this act take

effect from and after its passage, the public welfare requiring it.

Passed March 29, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved March 29, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 97.

House Bill No. 412.

AN ACT to amend chapter 127, pages 256, 257, of the Acts of 1895, entitled an act for the protection of fish in the State of Tennessee, so as to permit persons to catch fish in baskets in Monroe county.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That chapter 127, page 256 and 257, of the Acts of 1895, be so amended as to allow persons to fish with bait baskets in connection with rod or line or trot line; Provided, That the slats of the baskets shall not be a less catching capacity than one and one-half inches.

Sec. 2. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed March 28, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved March 27, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 98.

HOUSE BILL No. 619.

AN ACT to create and establish a school district No. 25 in the county of Bradley, and define boundary thereof.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That a school district be established in the county of Bradley, bounded as follows: Beginning where the sixth civil district line intersects the Chattanooga and Cleveland pike at the north end of the Wm. Brown farm; thence south with said valley road two miles more or less to the lead mines; thence west with the line between the farm of C. L. Hardwick and S. W. Divine to the eleventh district line; thence south to the twelfth school district line; thence west with the twelfth school district line to Candies creek; thence northeast with the meanderings of Candies creek to the line between J. E. C. Easterly and Wm. McGhee; thence east with said line to the line of Myers Chittenden; thence north to the sixth district line; thence east with sixth district line to the beginning. Said district will be known and numbered as the twenty-fifth school district of Bradley county, Tennessee.

Sec. 2. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed March 24, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.
proved March 27, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 99.

SENATE BILL No. 207.

AN ACT to change the time of holding the chancery court for Warren county, and to amend chapter 209 of the act passed March 28, 1891, and to fix the time for holding said court.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That section 1, chapter 209, of an act passed March 28, 1891, be so amended that the chancery court for Warren county shall be held on the fourth Monday of May and November of each year, instead of the fourth Monday in May and third Monday of November as fixed by said Act of 1891, chapter 209.

Sec. 2. Be it further enacted, That all laws in conflict herewith be, and the same are hereby, repealed, and that this act take effect from and after its passage, the public welfare requiring it.

Passed March 21, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved March 27, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 100.

SENATE BILL No. 26.

AN ACT to amend an act entitled "An act for the protection of persons and property upon railroads," passed November 25, and approved December 2, 1871.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the act which this is intended to amend, being chapter 46, Acts 1871, making it a misdemeanor for the engineer, or other employes of any railroad company to cross the track of any other railroad in this state, with an engine or train, without coming to a full stop, shall not apply where such other railroad is disconnected by interlocking switches placed on both roads, and at a safe distance from, and on each side of said railroad crossing, such interlocking switches to be according to the present state of the art, and kept in good order and repair.

Sec. 2. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed March 23, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved March 27, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 101.

SENATE BILL No. 411.

AN ACT to abolish the criminal court of I county, and to repeal the act giving to said crim the circuit and criminal jurisdiction of S county.

Section 1. Be it enacted by the General Assem of the State of Tennessee, That the criminal cou Knox county be, and the same is hereby, abolish

Sec. 2. Be it further enacted, That chapter of the Acts of 1897, entitled "An act to detach S county from the second judicial circuit and tra and attach it to the criminal district compose Knox county, and to provide for the holding o terms of the circuit court of the county of Sev be, and the same is hereby, repealed, together wit laws in conflict with the provisions and purpos this act.

Sec. 3. Be it further enacted, That this act effect thirty days after the final adjournment o present general assembly, the public welfare re ing it.

Passed March 24, 1899.

SEID WADDELL,
Speaker of the Sena

JOSEPH W. BYRNS,
Speaker of the House of Representativ

Approved March 27, 1899.

BENTON MoMILLIN,
Governor

CHAPTER 102.

SENATE BILL No. 206.

AN ACT to change the time for holding the circuit court in Marion and Franklin counties.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the time for holding the circuit courts for Franklin county be changed to the third Mondays in April, August, and December each year, and the time for holding the circuit court in Marion county be changed to the first Mondays in April, August, and December each year.

Sec. 2. Be it further enacted, That persons who are on bail for their appearance before the judge of the circuit court of said counties, shall make their personal appearance on the first days of the respective terms of said courts as fixed in this act, and that the sureties on bail bonds and recognizances of such persons shall be bound accordingly, and the obligations of such bail bonds and recognizances shall be and remain binding and obligatory for this purpose.

Sec. 3. Be it further enacted, That all laws or parts of laws in conflict herewith be, and the same are hereby, repealed, and that this act take effect sixty days after its passage.

Passed March 20, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

proved March 23, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 103.

HOUSE BILL No. 571.

AN ACT to authorize the school directors civil district of Tipton county, Tennessee chase and own a lot in the town of Covington to build a school building thereon to be under the control of the district school directors, commissioners of the first civil district of Tipton county, Tennessee.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the school directors or school commissioners of the first civil district of Tipton county, State of Tennessee, are hereby authorized and empowered to purchase a lot or parcel of land in the town of Covington upon which a suitable school building shall be erected for the use of the school children of scholastic age, and who live in the first school district of Tipton county, State of Tennessee.

Sec. 2. Be it further enacted, That the school directors or school commissioners of the first civil district, which is the first school district of Tipton county, be, and they are hereby, given all authority over all the school property owned or purchased with the school funds of the first civil or school district of Tipton county, and the town authorities shall not have any authority over the property owned and purchased with the school funds of the first civil or school district of the county.

Sec. 3. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed March 23, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved March 27, 1899.

BENTON McMILLIN,
Governor

CHAPTER 104.

SENATE BILL No. 205.

AN ACT to change the time of holding the chancery court at Winchester.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the time for holding the chancery court for Franklin county, the fourth Monday in July, be changed to the second Monday in June, and that the chancery court of Franklin county shall hereafter be held the fourth Mondays in January and the second Mondays in June each year.

Sec. 2. Be it further enacted, That all laws in conflict herewith be, and the same are hereby, repealed, and that this act take effect from and after its passage, the public welfare requiring it.

Passed March 20, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved March 23, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 105.

HOUSE BILL No. 150.

ACT entitled an act to change the line between Pickett and Fentress counties.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the line between Pickett and Fentress counties be so changed as to include all the lands of F. M. Lynch in Pickett

Sec. 2. Be it further enacted, That this act shall have effect from and after its passage, the public law requiring it.

Passed January 25, 1899.

JOSEPH W. BYRN
Speaker of the House of Representatives

SEID WADDEI
Speaker of the

Approved January 27, 1899.

BENTON McMILLI
G

CHAPTER 106.

HOUSE BILL No. 497.

AN ACT to repeal the charter of the town of Deweyville, in the county of Washington, State of Tennessee.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the charter of the town of Deweyville, in the county of Washington, State of Tennessee, be, and the same is hereby repealed.

Sec. 2. Be it further enacted, That this act shall have effect from and after its passage, the public law requiring it.

Passed March 27, 1899.

JOSEPH W. BYRN
Speaker of the House of Representatives

SEID WADDEI
Speaker of the

Approved March 31, 1899.

BENTON McMILLI
G

CHAPTER 107.

SENATE BILL No. 229.

AN ACT to authorize the city of Chattanooga to issue its bonds for the purpose of funding certain bonded indebtedness.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the mayor and aldermen of the city of Chattanooga is hereby empowered, in its corporate capacity, to issue its bonds, signed by the mayor and countersigned by the auditor of said municipal corporation, to an amount not exceeding thirty thousand dollars. Said bonds and interest shall be payable in lawful money of the United States.

May issue
bonds.

Sec. 2. Be it further enacted, That the bonds herein authorized may be executed in denominations of one hundred dollars, or multiples thereof, no single bond to exceed in amount one thousand dollars, and shall run for a term not to exceed twenty years from September, 1900, and shall bear a rate of interest not exceeding five per centum per annum, as the board of mayor and aldermen shall decide, payable semi-annually, with semiannual interest coupons attached, and shall in no case be sold for less than par.

Denomination;
term; interest.

Sec. 3. Be it further enacted, That the series of bonds herein authorized to be issued shall be known as the "Funding Bonds of the city of Chattanooga of 1900," and shall be used exclusively for funding the present and existing bonds of the city of Chattanooga known as the "Cincinnati Southern Railway Bonds," or so much thereof as the board of mayor and aldermen of the city of Chattanooga shall ordain to be issued.

Name and
object.

Sec. 4. Be it further enacted, That for the purpose of enabling said mayor and aldermen of the city of Chattanooga to fund said existing "Cincinnati Southern Railway Bonds," and carry out the purposes of this act, it is hereby empowered to exchange bonds herein authorized to be issued for a like amount of

May exchange.

said existing "Cincinnati Southern Railway Bonds" or to sell the whole, or any part of the bonds he authorized, and with the proceeds ensuing there purchase and pay off, or cancel, a like amount of "Cincinnati Southern Railway Bonds;" Provided, however, That no bond issued under the provisions of this act shall be sold or exchanged for less than par value.

Rights, etc.,
of holders.

Sec. 5. Be it further enacted, That the holder of any of the bonds authorized to be issued by this act shall be, and are hereby, entitled to all the rights and remedies held and secured to the holders of the bonds to be funded, purchased, or exchanged under this act relating to the payment of interest and principal on the said "Cincinnati Southern Railway Bonds" in existence, and to the enforcement of levies and collection of taxes for sinking funds and interest as provided by law.

Sec. 6. Be it further enacted, That this act shall take effect from and after its passage, the public good requiring it.

Passed March 17, 1899.

SEID WADDELL,
Speaker of the Senate

JOSEPH W. BYRNS,
Speaker of the House of Representatives

Approved March 23, 1899.

BENTON McMILLIN,
Governor

CHAPTER 108.

HOUSE BILL No. 167.

AN ACT to amend an act entitled an act to incorporate the town of Dyersburg, in Dyer county, Tennessee, and the various amendments thereto, passed March the 27th, 1885, and approved April 1885.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That subsection 7 of se

15 of said act be stricken out, and the following substituted therefor: In the event a system of free schools as contemplated by subsection 6 of said act is not wanted, the board of mayor and aldermen is hereby authorized to establish by ordinance a system of high grade public schools for said city, to be run, operated, and controlled by a board of education of six resident citizens of said city, and qualified voters therein to be elected by the qualified voters of said city at the regular August election for state and county officers, but at the first August election after the passage of this act all six of said board of education shall be elected two for two years, two for four years, and two for six years, and at each August election thereafter two members of said board shall be elected, whose term of office shall be six years. Said elections are to be held by the election commissioners or other authorized officers for holding said regular elections. Said board of education shall meet and organize by electing one of their members as president, and another as secretary and treasurer, and shall have power to fill all vacancies, to elect all teachers, a city superintendent, and all necessary officers and agents as are usual and necessary to run said schools. Said city superintendent shall not be a member of said board, a member of the board of mayor and aldermen, the county superintendent, nor a teacher in the city schools, and shall exercise the same authority in reference to city schools as county superintendents exercise in county schools. In the event said system of schools is established before the next regular August election, the present board of education shall continue to act until said regular election. In the event of a vacancy or their refusal to serve, the board of mayor and aldermen shall elect or fill the vacancies.

High grade public schools may be established; board of education, election of.

City superintendent.

The county trustee of Dyer county be, and he is hereby, directed to pay over to the city treasurer of said city all the school funds collected by him on property and privileges and polls within the corporate limits of said town of Dyersburg, to be used to run said schools in conjunction with the other school funds of said city, and said trustee is also required to pay over according to the scholastic population of said city to said city treasurer, for said purpose, the pro

School funds paid to city treasurer by county trustee.

rata of the common or public school funds come into his hands from the State of Tenr

County Clerk
report amount
collected in
said city.

The clerk of the Dyer county court shall the county trustee the amount collected by school purposes from merchants and privileges said city limits, and such amount shall be by said clerk to said trustee, and placed by said trustee to the credit of the high grade public schools of said city, and paid over by him to said city treasurer for the use of said school.

All said funds shall be used in conjunction with the funds raised by city taxation in running said schools.

Limit as to
liabilities.

Said board of education in the management and operation of said schools shall not incur any liabilities binding on said city beyond the current city school taxes and the school fund above provided for.

May levy
school tax.

In the event said city schools are established, the board of mayor and aldermen of Dyersburg shall have power to levy and collect taxes as provided in subsection 6 of section 15 of the act herein amended to assist in running said schools.

Who may
attend.

To such schools all pupils within the free school age within the city limits shall be admitted free of charge, and other pupils outside the city limits may be admitted under such rules, regulations, and contracts as the board of education may provide. This bill to take effect from and after its passage, the public welfare requiring it.

Passed March 3, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved March 15, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 109.

HOUSE BILL No. 431.

AN ACT to establish a school district in the county of Coffee.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That an additional school district, to be known and designated as school district No. 59, be established in Coffee county, with the following boundaries: Beginning at D. Yell's corner; thence north including the farms of D. Yell, John Winton, Rufus Freeze, and Joseph Bryan; thence east including the farms of John B. Shrader, the Braley place, and David Ramsey; thence to the Warren county line; thence south with said line including the farms of A. Brown, William Smith, and James Hoover; thence west to the beginning including the farms of D. L. Ramsey and Mrs. Mattie Fletcher.

Sec. 2. Be it further enacted, That the school district created by the first section of this act shall have all the rights, privileges, and emoluments, and be governed by the same laws and rules that govern, control, and regulate the other school districts in Coffee county, and that at the first regular election held in said county for school directors, three directors shall be elected for said school district.

Sec. 3. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed March 20, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved March 23, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 110.

HOUSE BILL No. 191.

AN ACT to protect game in Greene county.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That it shall be, and is hereby declared, unlawful for any person to net, trap, or capture quail or partridges in the county of Greene, at any season of the year, for a period of five years from the passage of this act.

Sec. 2. Be it further enacted, That it may and shall be lawful for any person to shoot quail or partridges in said Greene county after the 15th day of November, and until the 1st day of February, in each year, but not lawful to shoot quail or partridges at any other period or time during any year.

Sec. 3. Be it further enacted, That any person violating the provisions of this act shall be guilty of a misdemeanor, and, upon conviction, shall be fined for the first offense not less than five nor more than twenty-five dollars, and for each subsequent offense not less than twenty-five nor more than fifty dollars, and imprisonment at the discretion of the court not exceeding three months.

Sec. 4. Be it further enacted, That grand juries shall have inquisitorial power of all violators of this act, and the circuit and criminal judges shall give this act in charge to the grand juries.

Sec. 5. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed March 16, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved March 17, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 111.

HOUSE BILL No. 464.

AN ACT to change and fix the time for holding the chancery court for the county of McNairy, and to repeal all laws fixing the time for holding said courts.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the chancery courts for the county of McNairy shall hereafter be held on the third Monday in April and October.

Sec. 2. Be it further enacted, That all process or bonds from said courts be made returnable in conformity with the foregoing section, and that all process heretofore issued by the clerk and master of said court, and which was made returnable as now required by law, shall be deemed and held valid.

Sec. 3. Be it further enacted, That all laws and parts of laws in conflict with this act be, and the same are hereby, repealed.

Sec. 4. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed March 15, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved March 17, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 112.

HOUSE BILL No. 255.

AN ACT entitled an act to repeal an act entitled "An act to change the line between the counties of Hardin and McNairy," passed March 28, 1893.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That an act entitled an act to change the line between Hardin and McNairy counties, passed March the 28th, 1893, be, and the same is hereby, repealed.

Sec. 2. Be it further enacted, That this act shall have effect from and after its passage, the public welfare requiring it.

Passed March 3, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives

SEID WADDELL,
Speaker of the Senate

Approved March 17, 1899.

BENTON McMILLIN,
Governor

CHAPTER 113.

HOUSE BILL No. 388.

AN ACT to authorize Montgomery county to purchase and operate the ferries on Cumberland river in said county.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the county of Montgomery whenever by a majority of the justices of the county it is deemed advisable, may purchase and operate all of the ferries on Cumberland river in said county.

and when purchased, the ferries shall be under the complete control and management of the county, and may be operated either as free or toll ferries, as the county court may from time to time direct. The amount to be expended out of the county treasury in the purchase of ferries, shall not exceed in the aggregate the sum of eight thousand dollars; the entire amount stipulated in each contract to be paid within four years from the date of purchase. The resolution to purchase any or all of the ferries must be in writing, adopted by a majority of the justices in quarterly session, and spread on the minutes of the court. The committee appointed to carry out the order of court shall report their action as often as required, which reports must also be spread on the minutes of the court. The county court after purchase shall have full power to control, direct, and manage such ferries as may be owned by the county, and to make such disposition of any or all of them as a majority of the magistrates in quarterly session may think proper.

Sec. 2. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed March 3, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved March 17, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 114.

HOUSE BILL No. 148.

AN ACT to protect game in Washington

Section 1. Be it enacted by the General of the State of Tennessee, That it shall be, and is hereby declared, unlawful for any person to net, trap, or capture quail or partridges in the county of Washington, at any season of the year for a period of five years from the passage of this act.

Sec. 2. Be it further enacted, That it may and shall be lawful for any person to shoot quail or partridges in said Washington county after the 15th day of November and until the 1st day of February, in each year, but not lawful to shoot quail or partridges at any other period or time during any year.

Sec. 3. Be it further enacted, That any person violating the provisions of this act shall be guilty of a misdemeanor, and, when convicted, shall be fined for the first offense not less than five nor more than twenty-five dollars, and for each subsequent offense not less than twenty-five nor more than fifty dollars, and imprisonment at the discretion of the court not exceeding three months.

Sec. 4. Be it further enacted, That grand juries shall have inquisitorial power over all violators of this act, and the circuit and criminal judges shall give the act in charge to the grand juries.

Sec. 5. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed March 16, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved March 17, 1899.

BENTON McMILLIN,
Governor

CHAPTER 115.

SENATE BILL No. 106.

AN ACT for the protection and preservation of game
in Putnam county, Tennessee.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That it shall be unlawful for any person within Putnam county, between the first day of February and the first day of October, in each year, to catch, kill, or take by means of net, trap, box, or snare, or have in possession after having been so caught, killed, or taken, any wild turkey, partridge, quail, or pheasant.

Sec. 2. Any person guilty of violating any of the provisions of the preceding section shall be fined for each offense not less than five dollars nor more than fifteen.

Sec. 3. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed March 3, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved March 14, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 116.

HOUSE BILL No. 585.

N ACT to amend an act entitled "An act for the protection of fish in the State of Tennessee," the same being chapter 127 of the Acts of 1895.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That section 1 of chapter

127 of the Acts of 1895, entitled "An act to pro fish in the State of Tennessee," be, and the san hereby, amended as follows: Provided, That Del county is excepted from the provisions of said a so far as the same prohibits the catching of fish in ponds, lakes, or streams in said county with gun, g bling with hands and gig.

Sec. 2. Be it further enacted, That this act effect from and after its passage, the public wel requiring it.

Passed March 27, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representative

SEID WADDELL,
Speaker of the Senat

Approved March 31, 1899.

BENTON McMILLIN,
Governor

CHAPTER 117.

HOUSE BILL No. 593.

AN ACT entitled "An act to change the line betw the counties of Knox and Sevier.

Section 1. Be it enacted by the General Assen of the State of Tennessee, That the county line tween the counties of Knox and Sevier be, and same is hereby, so changed as to include all of farm, and upon which he now resides, of T. F. Ad in Knox county.

Sec. 2. Be it further enacted, That this act effect from and after its passage, the public wel requiring it.

Passed March 27, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representative

SEID WADDELL,
Speaker of the Senat

Approved March 31, 1899.

BENTON McMILLIN,
Governor

CHAPTER 118.

HOUSE BILL No. 621.

AN ACT to declare and make the Holston river un-navigable from the county bridge over same at Bluff City, up said river, in the county of Sullivan.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That all that part of the Holston river in Sullivan county, up said river from and above the county bridge at Bluff City, in said county, is hereby declared to be closed and not open to navigation; and none of the laws of this state, with respect to open or navigable streams, shall, in any sense, apply thereto.

Sec. 2. Be it further enacted, That all laws or parts of laws of this state in conflict with this act are hereby repealed.

Sec. 3. Be it further enacted, That this act shall take effect from and after its passage, the public welfare requiring it.

Passed March 28, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved March 31, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 119.

HOUSE BILL No. 447.

AN ACT authorizing fish to be taken from any waters of Sullivan and Hawkins counties by means of trap, gun, and gig.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That it shall be lawful to catch or kill fish in any of the running waters of Sullivan and Hawkins counties by means of trap, gun, and gig; Provided, first, That the slats on traps shall be one and one-half inches apart, and, second, that fishing by means of gun and gig shall be from November the 15th until March the first.

Sec. 2. Be it further enacted, That this act shall take effect from and after its passage, the public works requiring it.

Passed March 27, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives

SEID WADDELL,
Speaker of the Senate

Approved March 31, 1899.

BENTON McMILLIN,
Governor

CHAPTER 120.

HOUSE BILL No. 536.

AN ACT to repeal the charter of the town of Shelby in the county of Shelby, State of Tennessee

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the charter of

town of Eads, in the county of Shelby, and State of Tennessee, be, and the same is hereby, repealed.

Sec. 2. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed March 28, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved March 31, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 121.

HOUSE BILL No. 393.

AN ACT entitled an act to amend an act entitled "An act to incorporate the town of Dover, in the county of Stewart, authorizing it to borrow money and issue bonds for corporate purposes, provide for the election of officers, prescribe their duties, and other purposes," being chapter 167, Acts 1897.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That section (2) two of chapter 167 of the Acts of the general assembly of Tennessee, 1897, being, "An act to incorporate the town of Dover in the county of Stewart," etc., be amended by striking out all of section (2) two after the words "colored school house" in the call reading, Thence westwardly to a stake three poles south and east of the "colored school house" and including the following instead: Thence northwardly so as to include the houses of J. W. and Edgar Scarborough to the hedge of the United States Cemetery; thence to the southeast corner of said hedge; north with said hedge to Cumberland river at low water mark; thence the river to the beginning.

Sec. 2. Be it further enacted, That this a
effect from and after its passage, the public
requiring it.

Passed March 28, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representat

SEID WADDELL,
Speaker of the Se

Approved March 31, 1899.

BENTON McMILLIN,
Gove

CHAPTER 122.

HOUSE BILL No. 435.

AN ACT to transfer to the school commissio
board of education of the city of Memphi
the public school property, and public schoo
in the hands of the district school directors
territory who may attend the public school
act passed at the present session of the legi
to provide for the management and conduc
district schools in the territory so annexed
the present scholastic year, and for the pay
tuition fees by children residing in said a
territory who may attend the public school
city of Memphis until the close of the
school year.

School lands,
etc., trans-
ferred to school
commissioners.

Section 1. Be it enacted by the General A
of the State of Tennessee, That all of the
schools and public school buildings, lands, leas
and other school property of every character,
within the territory annexed to the city of M
by an act of the legislature, passed January th
and approved January 25, 1899, is hereby
and transferred to the school commissioners, c
of education, of the city of Memphis, to be h
used for educational purposes; but said scho
missioners, or board of education, shall not to

trol and possession of said schools and school property until July 1, 1899.

Sec. 2. Be it further enacted, That all the school funds in the hands of the school directors of civil districts, or parts thereof, annexed to the city of Memphis by the act hereinbefore mentioned, that shall be and remain in their hands or subject to their control on the 1st day of July, 1899, shall be turned over to the school commissioners or board of education of the said city of Memphis on that date; and where only a part of any civil district has been annexed, as aforesaid, the said school funds shall be divided between the school commissioners or board of education of the city of Memphis, and the school directors of said civil district, or districts, in proportion to the scholastic population within and without the part so annexed, the scholastic census of each part to be taken by the school commissioners or board of education of the said city of Memphis.

School funds;
divided, when.

Sec. 3. Be it further enacted, That the public schools in the territory annexed as aforesaid shall be managed and conducted by the present district school directors until the close of the present school year; Provided, That the provisions of this act shall not apply to the school known as the Idlewild School, as to which school the said school commissioners or board of education of said city of Memphis shall assume control of and conduct in like manner as other city schools.

Exception.

Sec. 4. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed March 23, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved March 30, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 123.

HOUSE BILL No. 220.

AN ACT to authorize the town of Clinton to issue bonds for the purpose of constructing, furnishing and improving school buildings.

Permanent
power to issue
school bonds;
term; redemption.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the town of Clinton be, and the same is hereby, vested with permanent power to issue coupon bonds of said town, not to exceed in amount the sum of ten thousand dollars, for the purpose of purchasing a site and constructing and furnishing a school building therein, and improving and furnishing school buildings now erected. The bonds shall bear six per cent. interest per annum payable annually; shall not be sold for less than par value, and shall be redeemable fifteen years from date of issuance, but may be redeemed at any time after three years by order of the board of mayor and aldermen, and call made in pursuance thereof; said call to be posted at the courthouse door in Clinton thirty days, or published in three consecutive issues of some paper published in said town; and no interest shall accrue on the bonds so called after the expiration of thirty days from the termination of the publication so made; Provided, That said bonds and interest shall be made payable in good and lawful money of the United States.

Election as
to issuance.

Sec. 2. Be it further enacted, That before bonds, or any part thereof, shall be issued, the board of mayor and aldermen shall, by ordinance, specify the exact amount of bonds proposed to be issued, and shall submit to the qualified voters of said town whether or not the amount so specified shall be issued, and those voting for the proposition shall have written or printed on their tickets "For Bonds," and those voting against the proposition shall have written or printed upon their tickets "Against Bonds," and the majority of the votes cast in the election shall be

the proposition, bonds to the amount specified in the ordinance, or such part thereof as shall be necessary to carry out the purposes of this act, shall be issued.

Sec. 3. Be it further enacted, That said bonds shall be issued in denominations of twenty-five, fifty, and one hundred dollars, numbered in the order of their issuance; that they shall be signed by the mayor and countersigned by the recorder under the corporate seal of said town; that to each of said bonds shall be attached fifteen coupons, each of which shall show the number of the bond to which attached, the amount of annual installment of interest, and when payable, and be signed by the mayor and recorder; and when due said coupons shall be receivable in payment of the special interest tax hereinafter provided for.

Denomina-
tions; cou-
pons; receiva-
ble for interest
tax.

Sec. 4. Be it further enacted, That it shall be the duty of the board of mayor and aldermen to levy a special tax for the purpose of paying the annual interest on said bonds, and creating a sinking fund for the redemption of the same, and the authority is hereby vested in said board to levy said tax in addition to the amount that can now be levied under the charter powers of said town; but said excess shall not exceed fifty cents on the hundred dollars.

Interest and
sinking fund
tax.

Sec. 5. Be it further enacted, That this law take effect from and after its passage, the public welfare requiring it.

Passed March 1, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved March 3, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 124.

HOUSE BILL No. 116.

AN ACT to validate and ratify the contracts of the taxing district of Shelby county and the Artesian Water Co.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the contracts heretofore entered into between the taxing district of Shelby county, Tennessee, and the Artesian Water Company, of dates respectively, July 30, 1887, April 1, 1888, and June 13, 1898, be, and the same are hereby declared and made valid and binding upon the said company as fully as though the same had been specifically authorized by an act of the Legislature.

Sec. 2. Be it further enacted, That this act shall have effect from and after its passage, the public requiring it.

Passed January 18, 1899.

JOSEPH W. BYRNS
Speaker of the House of Representatives

SEID WADDELL
Speaker of the Senate

Approved January 25, 1899.

BENTON McMILLIN
Gov

CHAPTER 125.

HOUSE BILL No. 114.

AN ACT to repeal the charter of Idlewild, Shelby county, Tennessee, and to remand the territory and inhabitants thereof to the government of the state.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the charter of incorporation heretofore granted to and obtained by the town of Idlewild, recorded September 13, 1895, in the corporation records of the office of the register of Shelby county, Tennessee (to wit, Book No. 7, pages 398, 399, and 400), be, and the same is hereby, repealed and abolished, and all offices created and held under and by virtue of said charter are abolished, and the population within the territorial limits defined thereby are hereby resolved back into the body of the state; and all power of taxation in any form whatever, heretofore vested in or exercised by the authorities of said municipal corporation, by virtue of said charter, or otherwise, is forever withdrawn; and the public buildings, squares, promenades, streets, alleys, horses and wagons, and all other property, real and personal, hitherto owned and used by such corporation for municipal purposes, are hereby transferred to the custody and control of the state, to remain public property, as it always has been, for the uses to which said property has been hitherto applied, or may hereafter be applied, by the state or by its authority.

Repeal of
charter.

Sec. 2. Be it further enacted, That all of the school lands, school buildings, and other school property heretofore owned by said extinct corporation of Idlewild, are hereby transferred to and vested in the board of education of the Memphis city schools, to be held and used by it for public school purposes exclusively. This transfer is subject, however, to a lien which is hereby created in favor of the creditors of said extinct municipality for the payment of their debts.

School
property.

Trustee to collect unpaid taxes. Sec. 3. Be it further enacted, That the trust Shelby county shall proceed and collect all taxes assessed by and due to said municipality at the time of the repeal of its charter, and all its other assets whatsoever, said collections to be made under existing laws.

School taxes. Sec. 4. Be it further enacted, That the trustee, or such other officer as may heretofore been or shall hereafter be charged with these duties shall likewise proceed and continue to collect the said city and county school taxes which said extinct municipality was by law entitled to receive up to the time of such repeal.

Funds paid to receiver. Sec. 5. Be it further enacted, That all the revenue, and funds arising under the third and fourth sections of this act, and all funds to which said municipality may have been entitled at the time of repeal as its share in the state school fund, shall be paid over to the receiver provided in the sixth section of this act, to be applied as therein directed.

Receiver; qualification; duties. Sec. 6. Be it further enacted, That the governor shall appoint an officer to be known as a receiver of said extinct municipality, who shall qualify as collector of public revenue, and who shall give with good security in the penalty of \$4,000, approved by the chairman of the county court of Shelby county, and who, when so qualified, shall perform upon the duties of his office. Such duties shall include to receive from said trustee or other person or corporation having possession of the same, including the treasurer, all funds so collected or to which said municipality may have been entitled at the time of repeal, including its share in the general state and county school fund and school tax; and it is hereby made the duty of such trustee, state treasurer or other person or officer having custody of the same to pay the same over to said receiver upon his demand and to take his receipt accordingly. Said receiver shall forthwith directly apply the said funds received by him to the payment of the obligations and liabilities of said extinct municipality, and to the other uses and purposes by it designated, intended, or anticipated as if this repeal had not occurred, so that no benefit shall be entitled to the benefit of said funds or revenues.

be deprived of the same because of such repeal. And the surplus of said funds, if any, he shall pay to said board of education for public school purposes.

Sec. 7. Be it further enacted, That said receiver shall file with the clerk of the county court of said county, on the first Monday in January, 1900, and afterwards as may be required by the chairman of said court, a report showing his receipts and disbursements of funds under this act, and he shall be entitled to retain from same, as compensation for his services, a commission of two and one-half per cent. on all sums received by him under this act. Receiver
to report.

Sec. 8. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed January 18, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved January 25, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 126.

HOUSE BILL No. 331.

AN ACT to amend an act entitled "An act to incorporate the city of Lafollette, Campbell county, Tennessee, and to establish a school district therein, and to support the same by taxation, and to provide for an election of officers for said city and school district, and for other purposes."

Section 1. Be it enacted by the General Assembly of the State of Tennessee as follows: The second section of said act shall be amended to read as follows: "The corporate limits of said city of Lafollette shall be as follows: Beginning at the southeast corner of block thirty-five (35), in block three hundred sev- Boundary,

enty-two (372), as shown by said original plat city of Lafollette, filed in the office of the register at Jacksboro, Tennessee, August 31, being a point on the line between the property Lafollette Land and Improvement Company and Casper W. Sharp; thence with the south line lot 35 extended two hundred thirty (230) feet to a point on the southeast side of Linden street intersection with Massachusetts avenue; thence north 45 degrees west eight thousand (8,000) feet to a point in the present corporation line upon the south side of Hawthorn drive directly opposite the south end of block one hundred ninety-one (191); thence with the present corporation line as shown by said original plat north 73 degrees west eight hundred (800) feet to a post oak in said line; thence south 89 degrees west two hundred three (203) feet to a point in said line; thence south fifty-eight (58) degrees west four hundred (400) feet to a black oak tree in said line; thence with said line south 21 degrees west four hundred (400) feet to a stake; thence with said line south 47 degrees west, passing a dogwood on top of ridge at seven hundred (700) feet to a straight line to the point of intersection of said corporation line and the west or southwest side of Twenty-seventh street, being just opposite and across the street from the south corner of block one hundred and fifty-five (155), as shown by said original plat; thence with the southwest side of said Twenty-seventh street, north 45 degrees west thirty-seven hundred (3,700) feet to a point in the line of said south side of Twenty-seventh street, just opposite the south side or corner of the extreme western end of mountain drive, being directly opposite, across the street and west from block one hundred thirty-two (132); thence crossing said street to the east, with the north line of said mountain drive in all its various courses, opposite and across the said drive from blocks one hundred thirty-two (132), one hundred twenty-four (124), sixty-one (61), sixty (60), fifty (50), forty-two (42), thirty-eight (38), thirty-nine (39), twelve (12), eleven (11), ten (10), nine (9), to the extreme southern corner of said drive; thence at right angles from said drive

north four hundred ten (410) feet to the extreme northwestern corner of said block nine (9); thence due east along the north line of said block to the line of the Tennessee Northern Railway right of way; thence eastwardly across said railway to the north line of Cross street, and with said line of said street (crossing the Big Creek or Indian river) to a point in the line of the east side of Indiana avenue about one hundred (100) feet north of the mountain drive; thence south one hundred (100) feet to the north corner of Indiana avenue and the mountain drive; thence in a general eastwardly direction, with the north line of said mountain drive in all its variations and courses, opposite and across the said drive or street from blocks two hundred seventy-five (275), two hundred seventy-six (276), two hundred seventy-seven (277), two hundred seventy-eight (278), two hundred eighty-nine (289), two hundred ninety (290), two hundred and ninety-one (291), two hundred ninety-two (292), and two hundred ninety-three (293) to the point of junction of said mountain drive and the eastern city limit or corporation line as shown by said original plat, and being at the extreme northeastern point of said block two hundred ninety-three (293); thence with the present eastern corporation line of said city (being also the line between the properties of the Lafollette Land and Improvement Company and Jonathan Lindsay), south 42 degrees east seventeen hundred and seventy-five (1,775) feet to a black oak tree; thence still with said corporation line, south 20 degrees 30 minutes east twenty-four hundred (2,400) feet to the place of beginning; comprising twelve hundred eighty (1,280) acres, more or less, all situated in the fifth civil district of Campbell county, Tennessee, and all included in the original plat of said city of Lafollette, filed with the county clerk of said county, August 31, 1897; and this shall not be construed to include or affect any territory not included in the original limits of said city of Lafollette."

c. 2. The residence qualification of all appointive officers of the city of Lafollette hereafter appointed shall be a prior residence of ninety (90) days in said city and of one year in the State of Tennessee.

Officers' residence qualification.

Public mon-
eys; failure to
discharge offi-
cial duties.

Sec. 3. It shall be the duty of all officials of said city who shall collect or receive any public moneys of any kind or character to pay over the same within ten (10) days thereafter to the city treasurer, and the neglect or failure of any appointive officer to so account for and promptly pay over such funds shall be sufficient cause for his removal and the appointment of his successor by the power or authority that originally appointed him. The willful failure and neglect of any appointed officer of said city to discharge the duties of his office, after written notice from either the mayor or city council to such derelict official of his said failure and neglect, shall be sufficient cause for the removal of such official and the appointment of his successor by the power or authority that originally appointed him.

School fund
from liquor tax

Sec. 4. All moneys derived from and received as license fees or special privileges tax for the privilege of selling intoxicating, spirituous, vinous, malt, and mixed liquors within said city, shall be placed by the city treasurer to the credit of the "city of Lafollette school district," and be used exclusively for city school purposes. All licenses for the sale of such liquors shall be signed by the mayor, city clerk, and city treasurer, and the fees therefor shall be paid directly to the said city treasurer.

Election school
directors,
mayor, etc.;
laws governing

Sec. 5. Upon the first Tuesday of December, 1899, and upon the same day biennially thereafter, there shall be held within said city an election, separate from all other elections, at which one school district director shall be elected (to fill the vacancy caused by the expiration of the term of the outgoing director) to serve for a period of six years, and until his successor is elected and qualified. In case a vacancy shall occur in said board of school directors from any cause, the remaining two members of said board shall appoint a properly qualified person to fill such vacancy until the next election. Should said members fail to agree upon such appointee, the mayor of said city shall cast the deciding vote to determine said appointment. Upon the first Tuesday of March, 1900 and every four years thereafter, there shall be held in said city an election of mayor and aldermen, who shall serve for four years, and until their successors

are elected and qualified. All elections held in said city and school district shall be held in accordance with the laws of the land governing such elections in cities of substantially equal population, and as may be regulated by city ordinances not in conflict with the existing statutes of the State of Tennessee. The ^{Tax levy.} total tax levy of said city for all school and city purposes, in any one year, shall not exceed one per centum (1) of the total assessment of all property within said city for city purposes for that year.

Sec. 6. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Sec. 7. This act is hereby declared to be a public act, and may be read in evidence in all courts of law and equity in this state without proof.

Sec. 8. This act shall go into effect and be in force from and after its passage, the public welfare requiring it.

Passed March 18, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved March 23, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 127.

HOUSE BILL No. 166.

N ACT to provide for better and more improved system of waterworks and electric lights for the municipal corporation of Dyersburg, in Dyer county, Tennessee, and to authorize the issuance of bonds for that purpose.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the municipal corpo-

May issue
waterworks
and electric
light bonds.

ration of Dyersburg, Tennessee, through its board of mayor and aldermen, is hereby authorized and empowered to issue coupon bonds of said corporation for an amount not to exceed fifty thousand dollars for the purpose of buying and improving the present waterworks and electric light system in said corporation, or establishing and putting in new system. Which ever course is pursued, the bonds may be issued for each system separately, at different times or for both combined. The amount for each system to be prescribed by the board of mayor and aldermen so that in the aggregate they do not exceed fifty thousand dollars.

Denominations; interest;
term; etc.

Sec. 2. Be it further enacted, That said bonds may be in the denominations of one hundred dollars and multiples thereof, with coupons attached, for the annual interest; no single bond to be an amount in excess of one thousand dollars. They shall bear a rate of interest as the board of mayor and aldermen shall prescribe, not exceeding five per cent. per annum, and shall run twenty years from date of issuance, and shall be sold in no case for less than face value, and shall be payable in legal tender currency of the United States of America. All bonds issued shall be signed by the mayor and recorder with corporate seal attached.

Election as to
issuance.

Sec. 3. Be it further enacted, That before said bonds shall be issued the board of mayor and aldermen shall order an election, or elections, held to ascertain the qualified voters of said corporation to ascertain the will of said voters in reference to the issuance of said bonds. As many elections may be held as may be necessary, and at different times, to determine the will of said voters in reference to the various propositions authorized under the provisions of this act. If any proposition be defeated at an election held to ascertain the will of said voters in reference thereto, the said proposition may be resubmitted at any time within the expiration of twelve months. The elections herein provided for may be held at the same time as any city election for corporation officers or for other purposes by same officers and upon the same laws used in such municipal election.

Sec. 4. Be it further enacted, That at any of

elections herein provided for all persons shall be entitled to vote who are qualified to vote for city officers or for the mayor and aldermen of said corporation. Those in favor of the issuance of said bonds shall have printed or written upon their ballot the words "For Bonds," and those opposed to the issuance of bonds shall have the words "Against Bonds," and if at any election held under the authority of this act, five-eighths of the votes cast on the proposition to issue bonds are cast "For Bonds," then the board of mayor and aldermen shall have power and authority to issue said bonds, but not otherwise.

Who may vote;
ballot.

Sec. 5. Be it further enacted, That if bonds are issued under the provisions of this act then said board of mayor and aldermen are hereby authorized and empowered to levy such taxes on property, privileges, and polls of the corporation of Dyersburg as are sufficient to pay the semiannual interest on said bonds, and provide for a sinking fund to meet the payment of said bonds at maturity. Such taxes shall be kept separate and apart from other funds of the corporation. Said board of mayor and aldermen may also set aside and appropriate such earnings of said waterworks and electric light plant, or either of them, as may be deemed prudent and advisable for the purpose of paying the semiannual interest on the bonds or placing same in the sinking fund. The board of mayor and aldermen of said city may, by ordinance, adopt such rules and regulations as may be deemed advisable for the purpose of investing and safe keeping of the sinking fund herein provided for, and may elect private individual, individuals, or the local banks of the said city as a sinking fund commission, and make such contracts with such commission for the handling or use of said sinking fund as may be deemed expedient and best, and require such bond from said commission for the safe keeping or investment of said sinking fund as will be ample to protect city from loss. The board of mayor and aldermen of said city may apply any part or all of said sinking fund on hand at any time to the purchase of said bonds as can be bought, and cancel same and their purchase.

Taxes for interest and sinking fund; earnings; sinking fund commission.

6. Be it further enacted, That this act take

effect from and after its passage, the public requiring it.

Passed March 3, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved March 15, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 128.

SENATE BILL No. 27.

AN ACT to create and regulate the office of county judge for Meigs county.

Qualifications; term. Section 1. Be it enacted by the General Assembly of the State of Tennessee, That there shall be elected by the qualified voters of Meigs county a person learned in the law, to be styled the county judge of Meigs county, and who shall be the county judge of said county, who shall be thirty years old, and who shall hold his office a term of eight years from the date of his commission; said person to be a citizen of Meigs county, and a person of good moral character.

Election. Sec. 2. Be it further enacted, That the first election for county judge of Meigs county shall be held at the same place and time, and by the same officers, that other county elections are held, on the first Thursday in August, 1902, and under the same rules and regulations that are prescribed by law for other county elections, and subsequent elections, except vacancies, which shall be filled when they occur, in the manner prescribed by law, on the first Thursday in August every eight years thereafter.

Jurisdiction; duties. Sec. 3. Be it further enacted, That the county judge of Meigs county shall have and exercise all the rights, powers, and jurisdictions that are conferred by existing laws, on the county judges of this state

and shall comply with all the requirements of, and shall perform all the duties imposed by law creating and regulating the powers and duties, of county judges.

Sec. 4. Be it further enacted, That all the powers and jurisdiction now vested in and belonging to the chairman of the county courts of this state be, and the same are hereby, conferred upon the county judge of Meigs county, who is hereafter to be elected by the qualified voters of Meigs county, and the office of chairman of Meigs county court is hereby abolished from and after the first Monday in May, 1899. Chairman abolished.

Sec. 5. Be it further enacted, That the county judge of Meigs county shall receive a salary of two hundred dollars per annum, to be paid quarterly out of the revenue collected for the years which the services are rendered. Salary.

Sec. 6. Be it further enacted, That the present chairman of the county court of Meigs county continue to hold the county courts of said county until the first Monday in May, 1899, during which time it shall be the duty of the governor to appoint a judge under this act, and duly commission him to fill out the time from the first Monday in May, 1899, until the regular election in August, 1902. Governor to appoint first judge.

Sec. 7. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Adopted January 19, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved January 20, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 129.

HOUSE BILL No. 214.

AN ACT to amend section 3, chapter 1 of the General Assembly of 1891, entitled to compile the several acts incorporating of Wartrace into one act, and to amend and to repeal all acts in conflict with it, as to provide that the corporate limits of Wartrace shall be 1,600 yards long and 600 yards wide.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That section 183, Acts of the General Assembly of 1891, be amended so as to read: "An act to compile the several acts incorporating of Wartrace into one act, and to amend and to repeal all acts in conflict with this act, as to provide that the corporate limits of Wartrace shall be 1,600 yards long by 600 yards wide, as follows, to wit: Beginning at a point on the railroad 800 yards north of the center of the St. L. Ry. depot grounds; thence westward at right angles to the said railroad 600 yards; thence southward running parallel with said railroad 600 yards; thence eastward running at right angles to said road a distance of 1,200 yards; thence southward running parallel with said road 1,200 yards; thence westward 600 yards to the beginning point."

Sec. 2. Be it further enacted, That all laws in conflict with this act be, and they are hereby, repealed.

Sec. 3. Be it further enacted, That the effect from and after its passage, the public policy requiring it.

February 28, 1899.

JOSEPH W. BYRN

Speaker of the House of Representatives

SEID WADDELL

Speaker of the Senate

Approved March 2, 1899.

BENTON McMILLIN

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CHAPTER 130.

HOUSE BILL No. 470.

AN ACT to provide for the election of school directors for the Shell School, in Henry county, being an amendment to chapter 234, Acts of 1897.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That section 1 of chapter 234 of the Acts of 1897 be amended so as to add to said section the following: "And there shall be a board of three directors elected by the citizens comprising said school district, to be elected as other directors, and who shall act in associated capacity in the government of said school district. The school district created by this act shall have all the powers, emoluments, rights, and privileges, and be governed by the same laws and rules that regulate and govern other school districts."

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with this act be, and the same are hereby, repealed, and that this act take effect from and after its passage, the public welfare requiring it.

Passed March 20, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved March 23, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 131.

SENATE BILL No. 212.

AN ACT to amend an act passed February 2, 1850, amending the charter of the town of Pulaski, so as to authorize the mayor and aldermen to establish, to extend, and complete streets and alleys, and to open new streets and alleys in said town, and to condemn private property for that purpose, except such property as is used or owned for church or school purposes.

Open, etc.,
streets and
alleys.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the act passed February 2, 1850, amending the charter of incorporation of the town of Pulaski, be, and the same is hereby, amended so that the mayor and aldermen of said town shall have and possess full power and authority to open and establish, to extend and complete, streets and alleys within the corporate limits of said town of Pulaski, and for that purpose to condemn private property whenever the public necessities may require, but this power of condemnation shall not extend to any property owned or used for church or school purposes.

Mode of pro-
ceeding; when
objected.

Sec. 2. Be it further enacted, That the mayor and aldermen of said town of Pulaski shall proceed in the matter of establishing, extending, and opening streets and alleys on and over private property where there is objection made by the owners, in the manner following: Application shall be made to said mayor and aldermen by written or printed petition, signed by two or more freeholders of said town, which petition shall designate the location for such street or alley, giving the names of all the property owners along the route of said street or alley where the same is sought to be opened, established, or extended; and over whose property is proposed to open, establish, extend, or complete such streets and alleys, and said property owners shall have five days notice of said application,

prior to the hearing of said application by the mayor and aldermen, so that said property owners shall have an opportunity of being heard in opposition to said application.

Sec. 3. Be it further enacted, That wherever the mayor and aldermen shall decide in favor of such application to open, establish, or extend any street or alley, the mayor and aldermen shall appoint by an order on its minutes, five freeholders, not related to petitioners, or to the interested property owners sought to be affected by said street or alley, who shall, after being sworn to act impartially toward the parties concerned, examine the premises, and assess the damages to each of the property owners affected by said street or alley, and they shall report said damages to the mayor and aldermen, and the mayor and aldermen shall cause said report to be recorded in its minutes; and on the payment of said damages into the office of the recorder for the benefit of the owners of property to whom the same shall be allowed by said report for the right of way for said street or alley, the mayor and aldermen shall have the power and authority and the right to have its street committee to proceed to open and establish said street or alley, unless one or more of the property owners interested shall appeal from the decision of the mayor and aldermen to the next term of the circuit court of Giles county, which appeal shall be prayed and perfected by giving the necessary appeal bond within ten days after such decision by the mayor and aldermen.

Condemnation
proceedings;
appeal.

Sec. 4. Be it further enacted, That whenever the mayor and aldermen shall decide to open or establish such street or alley, and after the damages assessed shall have been paid into the office of the recorder, unless appealed from in ten days as above provided, the amount due each property owner shall be paid as fixed by board reports, to the owner. Each and every property owner who shall fail or refuse to open, or to allow to be opened such street or alley on his land, shall be subject to a fine of five dollars (\$5) for each every month of his failure or refusal, which may be recovered by the mayor and aldermen by suit before any justice of the peace for the use and benefit of the corporation of the town of Pulaski.

Payment to
owner; fine
upon refusal
to open.

Sec. 5. Be it further enacted, That it shall have effect from and after its passage, the public lands requiring it.

Passed March 2, 1899.

SEID WADDE

Speaker of the

JOSEPH W. BYRN

Speaker of the House of Representatives

Approved March 3, 1899.

BENTON McMILLAN

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CHAPTER 132.

HOUSE BILL No. 100.

AN ACT to change the county line of Claiborne and Hancock.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the county line between the counties of Claiborne and Hancock be changed as to include the land of John and Martha Moles all into Hancock county, and the lands of William Myers into Claiborne county.

Sec. 2. Be it further enacted, That it shall have effect from and after its passage, the public lands requiring it.

Passed March 3, 1899.

JOSEPH W. BYRN

Speaker of the House of Representatives

SEID WADDE

Speaker of the

Approved March 17, 1899.

BENTON McMILLAN

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CHAPTER 133.

HOUSE BILL No. 159.

AN ACT to amend an act to incorporate the city of South Fulton, in Obion county, Tennessee, and for other purposes, being chapter 85, Acts of 1895, passed February 19, 1895.

Section 1. Be it enacted by the General Assembly for the State of Tennessee, That an act entitled an act to incorporate the city of South Fulton, in Obion county, Tennessee, and for other purposes, the same being chapter 85, Acts 1895, passed February 19, 1895, be, and the same is hereby, amended so as to provide as follows: That the mayor and city council of the city of South Fulton shall have the power to assess for taxation all real and personal property within the corporate limits of the city of South Fulton, Tennessee, to levy taxes on said property and fix the rate of taxation; to provide for the collection of the same; to provide when the same shall come due and payable, and when the same shall bear interest; and to provide for the reasonable penalties for the payment of said taxes. May levy taxes.

Sec. 2. Be it further enacted, That when the said property is assessed for taxation, and said taxes are levied thereon by the said mayor and city council of South Fulton, as they are herein empowered so to do, there shall be, and remain for a period of six years from the date of said levy by the said mayor and city council, a lien on all property for the security of said taxes, and shall continue six years from the date of said levy, unless sooner paid. Lien for taxes.

Sec. 3. Be it further enacted, That said lien on said property within the corporate limits of the city of South Fulton, for any unpaid taxes levied thereon, shall be enforced, and said unpaid taxes collected in such manner and by such officers or persons as said mayor and city council of South Fulton may by ordinance regularly adopt, provide, and direct. How lien enforced.

May collect
privilege
taxes.

Sec. 4. Be it further enacted, That said mayor and city council may and they are hereby invested full power to levy and collect privilege taxes and privileges taxed by the State of Tennessee, which are exercised within the corporate limits of the said city of South Fulton; and to that end said mayor and council shall have the power, by ordinance, to provide for the collection of said privilege taxes and amount of the same, when the same shall be due and payable, to provide for the penalty for the exercise of such privileges without the payment of the same thereon, and for the collection of such penalties.

Sec. 5. Be it further enacted, That the mayor and city council may, by ordinance, regularly adopted at any of its meetings, provide for the collection of taxes due to it, and the mode or manner of collecting the same, and such mode or manner of collecting due and unpaid taxes, when so provided by ordinance shall exclude all other modes now provided by law.

Sec. 6. Be it further enacted, That all the powers herein granted the mayor and city council of the city of South Fulton may be exercised by ordinance regularly adopted at any meeting of said mayor and city council, and that all laws and parts of laws in conflict with this act be, and the same are hereby, repealed, and that this act take effect from and after its passage, if the public welfare requiring it.

Passed January 24, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives

SEID WADDELL,
Speaker of the Senate

Approved January 27, 1899.

BENTON McMILLIN,
Governor

CHAPTER 134.

HOUSE BILL No. 118.

AN ACT to extend and change the corporate limits of the city of Memphis, Shelby county, Tennessee, and to provide that the annexed territory shall not pay or be liable for any part of the principal or interest of the indebtedness of said city outstanding at the time of such annexation.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the corporate limits of the city of Memphis, Shelby county, Tennessee, be extended and changed so as to embrace all the people and territory within the following lines, to wit: "Com-
Extension of boundary.
mencing where the north line of Trigg avenue touches the Mississippi river at low water mark; thence east with the north line of Trigg avenue to Raleigh avenue; thence east with the north line of Trigg avenue, if extended to the intersection of the Pidgeon Roost road and Cooper avenue; thence north with the west line of Cooper avenue to the intersection of Old Raleigh road; thence north to a point where Vallentine avenue, if extended east, would intersect the west line of Cooper avenue as produced; thence west along said south line of Vallentine avenue as produced east, to Marley avenue; thence west on the south line of Vallentine avenue produced west, to the south line of Brinkley street; thence west along the south line of Brinkley street as now opened and as produced west, to the east bank of Wolf river at low water mark; thence in a southerly direction along the east bank of Wolf river to the Mississippi river; thence along the east line of Mississippi river at low water mark to the point of beginning."

Sec. 2. Be it further enacted, That the territory hereby annexed to the city of Memphis shall not pay, nor be liable for, any part of the principal or interest of the indebtedness of said city outstanding at the time of this annexation.

Sec. 3. Be it further enacted, That if it be held valid to relieve said annexed territory from the present debt of the city of Memphis provided in the second section of this act, then it shall not in anywise affect the validity of the annexation provided in the first section of this act, and the annexation so provided in said first section shall be construed as valid irrespective of any conditions or provisions in this act, or any other legislation.

Sec. 4. Be it further enacted, That this act shall have effect from and after its passage, the public lands requiring it.

Passed January 18, 1899.

JOSEPH W. BYRN
Speaker of the House of Representatives

SEID WADDEI
Speaker of the Senate

Approved January 25, 1899.

BENTON McMILLI
Governor

CHAPTER 135.

SENATE BILL No. 109.

AN ACT to amend an act entitled "An act to amend the charter of the town of Lawrenceburg, county, Tennessee, so as to establish its limits and define its powers, and to amend the act incorporating the town of Lawrenceburg, Tennessee, section 16 of an act entitled 'An act to amend several acts incorporating the city of Lawrenceburg into one act, and to amend the same, passed January 25, 1869, and to amend so much of said act as applies to the town of Lawrenceburg, being chapter 148 of the Acts of 1895, passed May 11, 1895, and approved May 13, 1895, so as to provide that the municipal taxes shall be collected by the county trustee instead of the city trustee."

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That chapter 1

Acts of 1895, entitled "An act to amend the charter of the town of Lawrenceburg, Lawrence county, Tennessee, so as to establish its boundaries and define its powers, and to amend the act incorporating the town of Lawrenceburg, being section 16 of an act entitled 'An act to reduce the several acts incorporating the city of Columbia into one act,' and to amend the same, passed February 25, 1869, and to amend so much more of said act as applies to the town of Lawrenceburg," be, and the same is hereby, amended as follows: The taxes shall hereafter be collected by the county trustee, and the taxes so collected shall be paid over by him to the city treasurer of the town of Lawrenceburg monthly, taking proper receipts therefor, and the treasurer of the town of Lawrenceburg shall no longer have any authority or power to collect any taxes for the city of Lawrenceburg, except for the year 1898.

Sec. 2. Be it further enacted, That when the tax assessment books are by the proper municipal authority, they shall be turned over to the county trustee of Lawrence county, to be proceeded with in accordance with the provisions of section 1 of this act.

Sec. 3. Be it further enacted, That so much of chapter 148 of the Acts of 1895, and all other laws and parts of laws in conflict with the provisions of this act be, and the same are hereby, repealed.

Sec. 4. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Adopted January 25, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved January 27, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 136.

HOUSE BILL No. 133.

AN ACT to be entitled an act to incorporate the city of Woodbury, Cannon county, Tennessee, and to provide for the government and control of same, and to establish a school district therein, and to support the same by taxation, and to provide for an election of officers for said city and school district, and to repeal the charters of the old corporation now existing in said town of Woodbury; to provide for the transfer of the property of the old corporation to the new one, and for other purposes.

ARTICLE I.

Name and
style.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the town of Woodbury, in the county of Cannon, and the inhabitants thereof, be, and are hereby, constituted a body politic and corporate, under and by the style and name of "Mayor and Aldermen of the City of Woodbury," and shall have perpetual succession, by their corporate name may sue and be sued, plead or be impleaded, grant, receive, purchase, or hold real, mixed, and personal property, or dispose of the same for the benefit of said town; may have and use a seal.

Powers.

Sec. 2. Be it further enacted, That the corporation aforesaid shall have full power and authority to enact and pass such laws and by-laws, prevent and remove nuisances, to provide for licensing and regulating office, auctions, taxing, regulating or restraining theatrical and other public amusements, and to restrain and prohibit gambling; to regulate the sale of spirituous liquors; to establish night watches, and patrol, to ascertain when necessary the boundary and location of streets and alleys; to keep in repair said streets and pass all necessary laws for the same; to establish the necessary inspections within the town, +

enact all necessary laws for the regulation of markets, drays and personal privileges; to impose and appropriate fines, penalties and forfeitures for a breach of the by-laws or ordinances; to levy and collect taxes for the purpose of carrying into effect and operation such measures as are for the benefit of said town; and to pass all laws and ordinances necessary and proper to carry out the intent and meaning of this act into effect and to have all power given a municipal corporation by the laws of the same.

ARTICLE II.—BOUNDARY.

Sec. 1. The corporate limits of the corporation of the town of Woodbury shall be as follows:

Beginning at the east end of the bridge across Stone's river west of said town, where the land line of Dr. B. P. Lester crosses the end of the bridge, running thence south with the line of said Lester and others to the Hollis creek road; thence crossing said road, continuing south so as to include the residence of the late Joe Stephens to a point so as to intersect the land line between the lands of the said Lester and the said Stephens, where that land extended west to that point, thence east so as to run with the lines of E. Stephens, Sr., and E. J. Lehman, the said Lester to the land of John Herriman; thence east with Stephens and Herriman's line to the Brown land, thence east to the Manchester road; thence north with the meanderings of said road and the old corporation line to the McMinville road, thence east to a point opposite the west boundary line to the land of Rush Hawes; thence north with the meanders of said Hawes' line to Stone's river, thence across said river to its north bank, thence down the north bank of said river, to an elm tree on the north bank of said river, thence south with the land line of the said Lester to beginning.

ARTICLE 3.—ELECTION.

Section 1. Be it further enacted: That the board of election commissioners for the county of Cannon, Election for officers.

or such person or persons as may hereafter be designated by law to hold elections in and for said county of Cannon, after giving ten days' notice in writing, shall hold an election in the town of Woodbury, on the second Thursday in February, 1899, and on the same day every one year thereafter for the purpose of electing five persons to serve as aldermen, and one person for mayor and one other person for county magistrate, for the corporation of the town of Woodbury for one year, except as to the magistrate, who shall serve six years, commencing on his election and qualification;

Electors; who
eligible for
offices.

Provided, This shall in no way affect the office of the present incumbent, until his time shall expire or his office become vacant from any other cause. And all persons living within the limits of said corporation who would be qualified to vote for members, a freehold within the bounds of said corporation, and who are citizens of this state, shall be entitled to vote for mayor and aldermen, town constable and magistrate, for said corporation; and no person shall be eligible for office of mayor, aldermen, town constable or magistrate unless he be a citizen in the city of Woodbury, and in case of death, removal or resignation of any of the officers of said corporation the mayor and aldermen shall have the power to fill such vacancies for the unexpired time, except as to magistrate, who shall be elected by the qualified voters.

Certificate of
election.

Sec. 2. Be it further enacted, That the person having the highest number of votes at any election held shall be taken as duly elected, and such person or persons holding the election as aforesaid shall, within three days thereafter give to each of the five aldermen, mayor or constable and magistrate a certificate of their election, and it shall be the duty of the person so elected to meet on the next day or as soon thereafter as practicable, after their election is certified. And after having been qualified, the mayor and aldermen, three of whom shall constitute a quorum, shall proceed to consider such matters as are to the best interest of the town.

ARTICLE 4.—DUTIES OF MAYOR AND ALDERMEN.

Section 1. Be it further enacted, That the mayor and aldermen of said town shall, before entering upon the duties of their office take an oath before some justice of the peace of Cannon county, to faithfully, uprightly and honestly demean themselves as mayor and aldermen of said corporation during their continuance in office. Oath.

Sec. 2. Be it further enacted, That the mayor shall be ex officio recorder of said corporation. The candidate for aldermen receiving the highest number of votes cast shall, ex officio, be treasurer for said corporation. The candidate for aldermen receiving the second highest number of votes shall be secretary of said board of aldermen. Recorder, treasurer, secretary

Sec. 3. Be it further enacted, That the board of mayor and aldermen of said corporation shall have full power and authority to erect a workhouse or calaboose, for the safe keeping of persons convicted of any violation of by-laws or ordinances of said corporation, who fail or refuse to pay or secure the fine assessed against such persons. The board of mayor and aldermen may provide for their confinement as aforesaid, and may put them to work for the town within an enclosure or on the streets and other public works, under guard or secured by ball and chain, at such wages as the board may adopt by ordinance, until said fine and cost are paid. Workhouse, etc

Sec. 4. Be it further enacted, That the board of mayor and aldermen shall have power to dismiss or remove any public officer or agent appointed by them for incompetency or violation, neglect or disregard of duties imposed upon them by the laws or ordinances of said corporation. Dismiss officers etc.

Sec. 5. Be it further enacted, That the board of mayor and aldermen shall have full power to lay off open streets for the convenience of the public, and have further power to have said streets repaired or worked at their discretion, and may, by ordinance otherwise, require owners of property to place good substantial pavements in front and on side of their property. In the event said owner of property should Streets.

fail to make walks or pavements as hereinbefore provided, the board of mayor and aldermen may make the same and charge such expense to the property, and it shall be a lien upon the property, to be enforced as other liens of like character are enforced by laws.

May arrest
offenders; con-
stable.

Sec. 6. Be it further enacted, That the board of mayor and aldermen shall have power, by ordinance, within the city to provide for arrest and confinement of all persons violating any of the ordinances of the city or violating any of the laws of Tennessee. Said board of aldermen shall, at their first meeting and every twelve months thereafter, elect a man over twenty-one years of age to act as constable for the corporation.

ARTICLE 5.—DUTIES OF CONSTABLE.

Term; bond.

Section 1. Be it further enacted, That the constable or marshal shall hold office for one year from the time of his election, and shall give bond in the sum of five hundred (\$500) dollars, with sufficient security, to be approved by the mayor and aldermen, for the faithful discharge of the duties of his office, and accounting for all moneys collected by him.

ARTICLE VI.

Treasurer;
bond, etc.

Section 1. Be it further enacted, That it shall be the duty of the treasurer, before entering upon his duties, to give bond in the sum of two thousand (\$2,000) dollars, with good security, for the faithful discharge of his duties and for the safe keeping and paying out of all moneys coming into his hands, same to be approved by the mayor, same to be paid out on order countersigned by the mayor, and he shall make a written report quarterly, which shall be sworn to, of all receipts and disbursements, and the board shall have access to his books at all times.

Collect taxes;
deposit; how
drawn.

It shall be the duty of said treasurer to collect taxes due the corporation, receipt for same and report under affidavit as aforesaid. Said treasurer shall deposit all moneys collected by him in some local bank to be drawn out by check, signed by him and count

signed by the mayor. He shall receive and receipt for all privilege taxes and issue licenses.

It shall be the further duty of said treasurer of said corporation to keep a cash book, in which he shall enter all cash by him received, showing date, amount, and from whom received, and on what account. He shall enter on said book all moneys paid out by him, to whom paid and for what purpose. Cash book.

Sec. 2. Be it further enacted, That no moneys belonging to the corporation shall be paid out, except when ordered by mayor and aldermen, such check to be signed by the treasurer and countersigned by the mayor. Money, how paid out.

Sec. 3. Be it further enacted, That at the expiration of said treasurer's term of office he shall turn over to his successor all the moneys in his hands belonging to the corporation, and take his receipt for same.

ARTICLE 7.—TAXES.

Section 1. Be it further enacted, That the assessments of the property for taxes for corporation purposes shall be based upon the assessments made by Cannon county, and reduced at the discretion of the board of mayor and aldermen, and the treasurer shall make out the tax books from the county or district assessor's books, or reduce the assessment as the board of mayor and aldermen may direct. Assessment.

Sec. 2. Be it further enacted, That when any tax shall be imposed or levied upon any real estate lying within said corporate limits and said tax is not paid by the owner of said property on or before the first day of November of the year in which said tax shall fall due, and no personal property being found belonging to such delinquent upon which the same could be levied, then it shall be the duty of the treasurer to file the same to the first term thereafter of the circuit court of Cannon county, giving a full description of said property in each case so certified to the circuit court. It shall be the duty of the circuit court, at the time to which said list is certified, to enter a judgment for amount of taxes due said corporation and accrued, and direct that a writ of sale issue to the sheriff of Cannon county, who shall sell said property Delinquent taxes.

for satisfaction of said taxes, and in selling said property the sheriff shall be governed by the laws now governing sheriffs in selling lands condemned by the circuit court. The sheriff shall turn over to the treasurer the proceeds of the sale to satisfy taxes due the corporation, and the title of the purchaser shall be subject to the right of redemption for two years from the date of the sale, in favor of the party whose land is sold.

Farming land
exempt.

Sec. 3. Be it further enacted, That all land lying within said corporation, as defined by this act, only used for farming purposes shall not be subject to taxation for corporate purposes.

ARTICLE 8.—DUTY OF THE MAYOR.

Section 1. Be it further enacted, That it shall be the duty of the mayor to preside at all meetings of the board of aldermen, to see that all ordinances are enforced, to take an oath before entering upon the duties of his office, to call a special meeting of the board of aldermen whenever he may deem it expedient. Within three months, or sooner, if necessary, after the first election held under this act, shall give in writing to the board of aldermen a general statement of the condition of the city in relation to its government.

Mayor ex-
officio recorder.

Sec. 2. Be it further enacted, That the mayor shall be ex officio recorder, and it shall be his duty to try all persons brought before him charged with a violation of any city ordinance.

Mayor pro tem.

Sec. 3. Be it further enacted, That in the absence of the mayor, the board of aldermen shall elect one of their number, who shall preside during his absence, and such alderman so elected shall, in the absence of the mayor, have power and authority to act as recorder and try all violators of the law.

ARTICLE 9.—SCHOOLS.

Section 1. Be it further enacted, That the town of Woodbury is hereby created a special school district, and the common or public schools of said town shall be managed and controlled by a board of sch

School
directors.

directors, composed of three men, who shall be bona fide residents of said town, who shall be elected by the board of aldermen and who shall hold office for two years, or until their successors in office are elected by said board of aldermen. Said school directors shall organize as district school directors, and act under the general laws of the state, and be under the supervision of the county and state superintendents, and said board of school directors of the town of Woodbury shall be a body corporate, in like manner as district school directors now are under the general school laws, and with the same powers and duties. Said board of directors may take and hold personal and real property for public school purposes and may sell and convey the same when for the best interests of the public schools of the town. The general laws of the state in regard to common schools shall apply to the town of Woodbury, as far as the same are not modified herein, and said town of Woodbury shall be entitled to all the sums of money from the public school funds that it would be entitled to receive if the district were organized under the general laws of the state.

That the county trustee of Cannon county, be, and is required to pay over on the warrants issued by said directors the pro rata of the school fund, assessed or collected by the county on property, poll and privileges within the corporate limits of Woodbury, to be used by said directors as hereinbefore directed and provided, and also, to pay over to, and on account of the town of Woodbury's district directors, the proper pro rata of the funds for common or public schools that shall come into his hands from the State of Tennessee, according to the scholastic population of said town of Woodbury, and in the same way as to other school directors in the county. School funds.

Sec. 2. Be it further enacted, That the board of mayor and aldermen of said town are authorized to levy and collect a special tax, as other taxes are levied and collected, for the purpose of erecting other school buildings, if necessary, for the accommodation of the scholastic population of the town of Woodbury. Said special tax not to exceed the total levy made by the town and county for state and county purposes. Special tax
for school
buildings.

Sec. 3. Be it further enacted, That this act shall

in no way interfere with the election of other school directors in the sixth civil district of Cannon county, Tennessee, at any general election held within the limits of said corporation.

Provided, That such directors for the district outside of the limits of the corporation shall not reside within the limits of said corporation.

ARTICLE 10.—COMPENSATION.

Section 1. Be it further enacted, That no person elected to office of aldermen shall be entitled to any pay for his services as such alderman, except the treasurer of the corporation, who shall receive three (\$3.00) dollars per month. The marshal or town constable shall receive a salary to be determined and ordered paid by the board of mayor and aldermen, and in addition he shall receive such fees for arrests and guarding prisoners, etc., as the sheriff or constable is allowed by law for such services; Provided, however, The corporation shall not be liable to the constable or mayor for any costs in criminal cases, where same are not collected off the parties arrested or any other case. The mayor, as recorder for the corporation or such aldermen elected to act as recorder in mayor's absence, shall receive the ordinary fees and costs allowed by law to justices of the peace in all cases of like services, provided same shall not be collected off of the corporation as above set forth.

ARTICLE 11.—MISCELLANEOUS.

Old charter
repealed.

Section 1. Be it further enacted, That the charter of the now existing corporation of Woodbury be, and the same is hereby, repealed, and all the property, real, personal or mixed, together with any moneys, fines and forfeitures belonging to the old corporation here repealed, or belonging to the school board of the old corporation, are hereby declared to be the property of the corporation created by this act.

Meetings
of board.

Sec. 2. Be it further enacted, That said board of mayor and aldermen of the city of Woodbury, shall meet at a fixed time in each month, to consider suc

matters as are of interest to the people of Woodbury, said board to fix the time when they shall meet.

Sec. 3. Be it further enacted, That said mayor shall hold his office for one year, dating from the time of his election, and until his successor is elected and qualified, that said aldermen shall hold office for one year, dating from their election, and until their successors are elected and qualified. Terms of office

Sec. 4. Be it further enacted, That said mayor shall not have the power to veto any measure, and shall not have the right to vote on any measure, except in case of a tie vote. No veto power; vote in case of tie.

Sec. 5. Be it further enacted, That the town marshal or constable provided for in this act, to be elected, shall have charge of the work hands of the streets, keep their time and see that they do good work. Marshal to oversee work hands.

Sec. 6. Be it further enacted, That the board of mayor and aldermen shall have the right to employ an attorney for the corporation, whenever the interests of said corporation demand the services of an attorney. Attorney.

Sec. 7. Be it further enacted, That before the city or town of Woodbury shall be liable for damages to any person injured upon any of the streets, alleys or sidewalks of the city, the person so injured, or some one in his or her behalf, shall give the mayor or board of aldermen notice in writing within thirty days after the same has been received, stating where and how the injury occurred and the extent thereof. Notice of injury on streets.

Sec. 8. Be it further enacted, That no action can be maintained against the town of Woodbury for damages to persons or property by reason of defects in the streets or sidewalks of said town, which defect was caused by or was the result of the negligence of some person other than an employe of the city, unless the said person shall, by joinder with the city in the same action or defendant, and in the same extent of a judgment against the city in such case the city shall not be required to pay the same until execution shall have been issued against said person and return thereon made nulla bona, and the city thereof should have the right to purchase the judgment from plaintiff by paying to him the amount of the judgment and interest; if the parties agree, a less amount, and receive the plaintiff or assignment thereof and the pur-

Action for damages.

chase of the judgment by the city shall not operate a satisfaction of the judgment against such co-defendant of the city, but the city at any time thereafter may have execution against such co-defendant for the amount it has paid plaintiff, together with interest thereon, which, if collected from said co-defendant under said execution, shall be paid to the city.

City's appeal
bond.

Sec. 9. Be it further enacted, That the town of Woodbury, in taking an appeal from a judgment or decree in any judicial proceedings, shall give bonds as required by law, such bond to be executed by the mayor and attested by the treasurer, under the seal of the corporation, and shall be taken in all courts as a compliance with the law in such cases. All acts in conflict with this act are hereby repealed.

Sec. 10. Be it further enacted, That this act is hereby declared to be a public act, and may be read in all the courts of law and equity in this state without proof.

Sec. 11. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed January 26, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved January 28, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 137.

SENATE BILL No. 97.

AN ACT to authorize the mayor and aldermen of the city of Knoxville, Tennessee, to issue coupon bonds to the amount of thirty thousand (\$30,000) dollars, to be applied to the erection of a city hospital, and, if necessary, to purchase a site for the same; and to provide for the operation and management of such hospital.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the mayor and aldermen of the city of Knoxville, Tennessee, a municipal corporation, be, and hereby is, authorized and empowered to issue, in its corporate capacity, coupon bonds to be signed by the mayor and countersigned by the recorder, in the manner and under the restrictions hereinafter provided, to the amount of thirty thousand (\$30,000) dollars, to be appropriated to the erection of a city hospital, either inside or outside of the city limits, and to the purchase of the ground, if necessary, upon which to erect such hospital; May issue hospital bonds.

Provided, That the bonds or their proceeds shall be used exclusively for the purposes above set out, and in such manner as may be determined upon by said mayor and aldermen.

Sec. 2. Be it further enacted, That the bonds issued under this act shall be of such denominations, and bear such rate of interest, not to exceed five (5) per cent., as may be determined upon by said mayor and aldermen, and said bonds shall be due and payable at the end of thirty (30) years from the date of issuance. Denominations:
interest; term.

The principal and interest of said bonds shall be payable in lawful money of the United States, and at such place within or without the State of Tennessee as said mayor and aldermen may determine; and the interest shall be payable semi-annually, at such times said mayor and aldermen may determine.

Sold at par;
coupons re-
ceived for
taxes, except.

Sec. 3. Be it further enacted, That the bonds provided for by this act, and issued under it, shall in no case be sold for less than par, and the coupons thereto attached shall, at maturity, be received by said mayor and aldermen for all taxes and dues to it, except sinking fund taxes levied for the retirement of this or any other bond issue of said municipal corporation, and except for school taxes.

Sinking fund.

Sec. 4. Be it further enacted, That, as soon as the bonds herein provided for, or any proportion thereof, shall have been issued hereunder, said mayor and aldermen shall provide, by ordinance, a sinking fund wherewith to retire said bonds; said fund to be used exclusively for sinking fund purposes, and be sufficient with its accumulations, as nearly as may be estimated, to meet and retire at maturity the principal of the bonds so issued.

Sinking fund
commissioners.

Sec. 5. Be it further enacted, That said sinking fund shall be intrusted to the management of the sinking fund commissioners now existing in the city of Knoxville, under the laws of this state and the ordinances of said municipal corporation.

Board of gov-
ernors.

Sec. 6. Be it further enacted, That said hospital, when erected, shall be operated and managed by a board of governors, composed of twenty (20) citizens and residents of the city of Knoxville, who shall hold their offices for the term of five (5) years, except the first board hereinafter appointed, and shall serve without compensation.

The first board of governors shall consist of Wm. Rule, Samuel G. Heiskell, Joseph T. McTeer and S. C. Roney, who shall serve for the term of five (5) years; W. B. Lockett, W. S. Shields, W. P. Chamberlain and Charles Searles, who shall serve for four (4) years; M. L. Ross, E. E. McMillan, E. T. Sanford and M. B. Armsteur, who shall serve for three (3) years; R. S. Hazen, C. M. McClung, R. M. Rhea and F. K. Huger, who shall serve for two (2) years; T. S. Webb, Gregg Ashe, Peter Kein and C. C. Howell, who shall serve for one (1) year.

Election; va-
cancy.

At the end of each and every official year, four (4) new members of said board of governors shall be elected to fill the places of the four (4) members whose terms shall then expire. The new members shall be

elected as follows: Two (2) of the four (4) shall be nominated and elected by the mayor and aldermen of the city of Knoxville, the other two (2) shall be elected by the remaining sixteen (16) members of the board of governors, but their election shall be subject to the approval of, and ratification by, the mayor and aldermen. In case of a vacancy in the board of governors, from any other cause than the expiration of the term of office, such vacancy shall be filled by the remaining members of the board of governors, subject to the approval of, and ratification by the mayor and aldermen.

The said board of governors shall organize by the election of a president, secretary and treasurer, and such other officers as they may deem necessary; and shall have the power to employ all such servants, assistants, nurses and physicians as they may deem necessary, subject, however, to the right and power of the mayor and aldermen to control the expenses of operating said hospital.

Organization;
employ servants, etc.

The said board of governors may also receive any donations of money or property, in the name of the city, for the use and benefit of said hospital, and may use the same for the benefit of said hospital without any express authorization from the mayor and aldermen.

Donations.

The board of governors shall keep accurate books of accounts, showing all money and property coming to their hands from all sources, and what disposition has been made of the same; and said books shall, at all times, be subject to the inspection of the mayor and aldermen, or any committee or agent appointed by them.

Accounts.

The said board of governors shall make to the mayor and aldermen an annual report, in which they shall give full and complete information of the operations of said hospital and of its finances; and the mayor and aldermen shall have the right to call for such report any time. The annual report shall be made on the day of January of each and every year.

Annual report

The said board of governors may organize an auxiliary board, to assist them, if they deem it advisable, women shall be eligible to membership in such auxiliary board, but the members of such auxiliary

Auxiliary board.

board shall serve without compensation, and shall be subject to the board of governors.

Sec. 7. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed March 14, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved March 17, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 138.

HOUSE BILL No. 359.

AN ACT to authorize Davidson county to issue and sell negotiable coupon bonds to refund indebtedness on outstanding bonds issued under authority of chapter 20 of the acts of the General Assembly of 1895.

May issue
bonds; denom-
ination.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the county of Davidson, through its quarterly county court, be, and is hereby, authorized and empowered to issue and sell negotiable coupon bonds to an amount not exceeding two hundred and fifty thousand dollars, for the purpose of refunding and paying off the outstanding indebtedness of said county on (\$250,000) two hundred and fifty thousand dollars of bonds issued by said county under the authority of chapter 20 of the acts of the general assembly of the State of Tennessee of 1895, passed February 1, and approved February 6, 1895, said outstanding bonds each being for one thousand dollars, numbered from one to two hundred and fifty inclusive, for the aggregate sum of (\$250,000) two hundred and fifty thousand dollars, payable on the first day of July, 1915, or at any time before

that date and after the first day of July, 1900, at the option of said quarterly county court.

Sec. 2. Be it further enacted, That the bonds authorized by this act may be issued in such denominations and made payable in lawful money of the United States, when and where said court may determine best. The period of maturity shall not be less than one, nor more than twenty years, and said bonds shall be payable at the option of said court, after five years from the date of issuance, upon such notice as said court shall prescribe, the conditions of which notice shall be recited on the face of said bonds. The said counties shall not sell or dispose of the bonds issued under this act at less than par. Said bonds shall bear interest at not exceeding four per centum per annum, payable semi-annually, and shall show on their face that they are issued to fund or pay off the bonds issued under said chapter 20 of the Acts of 1895.

Where payable; term; interest, etc.

Sec. 3. Be it further enacted, That said bonds shall be signed by the judge, and countersigned by the clerk of said county court, with the official seal of said clerk affixed thereto, and each denomination shall be numbered consecutively in the order of issuance, beginning with "one."

Signed, etc.; numbering.

Sec. 4. Be it further enacted, That each of said bonds shall have coupons attached, one coupon for each semi-annual installment of interest on said bond, with the date of the maturity of each coupon, which coupon shall be attested by the lithograph signature of the said judge and clerk, but without the official seal of the clerk, and each of said coupons shall show upon its face the number and denomination of the bond to which it is attached. Said coupons, after due, shall be receivable in payment of any county taxes, except the sinking funds provided for the outstanding bonds of the county, and when so received or paid off by the county trustee or tax collector, shall be by him canceled, by stamping or writing on the face thereof the word "received or paid," and by a punch which will pierce the coupons with holes, and held by him as a voucher for the payment on his settlement with the judge of the said county court, who will preserve the canceled coupon as a part of the records of his

Coupons; receivable for taxes; cancellation.

office by pasting them in consecutive order in a well bound book kept for the purpose.

Interest and
sinking fund
tax.

Sec. 5. Be it further enacted, That it shall be the duty of the quarterly county court of said county, annually to levy a tax on the taxable property in said county for the purpose of paying the semi-annual interest on said bonds, and sufficient in amount for the purpose of creating a sinking fund for the redemption of the bonds herein authorized when they fall due, or are called in, or redeemed as hereinafter provided. And to enable the county court to know what amount of tax to levy for these purposes, the judge of the county court shall keep in a well bound book a record of the number and denomination of all bonds issued, to whom issued, and also of all bonds redeemed or paid.

Trustee to
collect; bond.

Sec. 6. Be it further enacted, That the trustee or tax collector, shall collect and account for the taxes herein authorized, the same as he is required by law to collect and account for other taxes, and shall receive the same compensation as for collecting other county tax. And the county court may, when it thinks proper, require such trustee or tax collector to give an additional bond for the performance of his duties in collecting and accounting for said fund.

Redemption.

Sec. 7. Be it further enacted, That before the expiration of five years from the issuance of said bonds, the trustee or tax collector may redeem any of said bonds presented for redemption, out of any money that may be in his hands derived from said sinking fund tax levied and collected under this act, or may receive said bonds in payment of said sinking fund tax; and after the expiration of said five years it shall be the duty of said trustee to call for such an amount of said bonds as the sinking fund in his hands will redeem, calling for them by number, commencing with the lowest number and redeeming them in the order in which they were issued, of such as are outstanding - and for this purpose he shall have access to the judge's book in which said bonds are numbered.

Call, when
made and
requisites.

Sec. 8. Be it further enacted, That the call as provided for in section 7 of this act, shall be made on order of the judge of the county court by advertising the same in any newspaper published in said county

for thirty days, setting out the number and denomination of said bonds so called for, and such bonds not being presented for payment at the expiration of said thirty days, the interest thereon shall cease, from that date, and the coupons not due thereon shall not thereafter be received for taxes, nor be paid, but shall become void; and should the bond so called for be withheld then shall the trustee in like manner call for other bonds, in regular order, until the amount required be presented for redemption. And when any such bonds are redeemed as herein set out, the trustee or tax collector shall, upon settlement with the judge of the county court, have credit therefor on account of sinking fund tax, and after they have been entered upon the judge's book as aforesaid, said bonds shall be defaced by the said judge, in presence of said trustee or tax collector, by stamping or writing across the face of the bond or bonds so redeemed or paid, the date when such bond was accounted for on settlement, and by stamping said bond with a machine which will perforate it with holes. And said bond or bonds so redeemed or paid shall be filed away with the coupons thereon and theretofore redeemed or paid as a part of the records of said judge's office, by pasting them in consecutive order in a well bound book kept for that purpose.

Redemption of
bonds; can-
cellation.

Sec. 9. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed March 2, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved March 14, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 139.

HOUSE BILL No. 609.

AN ACT to amend an act entitled “An act to create taxing districts in this state, and to provide the means of local government for the same,” passed January 29, 1879, and the acts amendatory thereof, so as to increase the number of the supervisors of the board of public works to eight members, and to provide for the appointment or election of the additional members; to fix their powers and duties; to increase the compensation of all the members of said board of public works, and to fix the number required for a quorum of the legislative council, and the number required to transact business.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the act entitled “An act to create taxing districts in this state, and to provide the means of local government for the same,” passed January 29, 1879, and the amendments thereto, be, and the same are hereby, amended so as to provide that hereafter the board of public works of such taxing districts shall consist of eight members. The three additional members shall have the same qualifications, the same duties and powers, and receive the same compensation as the other members of said board of public works. The three additional members of said board provided by this act, shall be appointed by the governor, one of whom shall be appointed to serve until the next regular election in January, 1900, and the other two shall be appointed to serve until the next regular election in January, 1902. At the expiration of the respective terms for which the additional members of said board of public works are appointed, their successors shall be elected at the time and in the manner provided by law for the other members of said board of public works, and for terms of four years each.

Additional
members of
board.

Provided, That said three members of the board of public works shall have resided within the limits of said taxing district of Shelby county, or the recently annexed territory, for not less than five years previous to their appointment or election.

Sec. 2. Be it further enacted, That hereafter each member of the board of public works shall receive as compensation the sum of \$10.00 for each and every meeting of the legislative council, which shall be attended by and officiated in by such member.

Sec. 3. Be it further enacted, That hereafter six members of the legislative council of such taxing districts shall constitute a quorum of said council, one of whom must be the mayor or vice mayor. Hereafter a majority of any quorum of the legislative council present and voting shall have power to pass any ordinance or resolution, and that a majority of the board of fire and police commissioners, and a majority of the board of public works acting conjointly shall have power to make or approve any contract or do any other lawful act.

Sec. 4. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed March 24, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Returned by the governor without action, the same having been in his hands more than five days.

REAU E. FOLK,
Clerk of the House of Representatives.
March 31, 1899.

CHAPTER 140.

SENATE BILL No. 224.

AN ACT to be entitled "An act to amend the charter of the city of Cleveland, and to change the boundary line and to define the powers of the board of mayor and aldermen, to limit the rate of taxation, to change the salary of the mayor and define the salary of recorder, and to amend an act approved April 7, 1893, and amended May 10, 1895. Approved May 13, 1895."

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That section 2 of an act approved April 7, 1893, and amended May 10, 1895, approved May 13, 1895, entitled "An act to amend the charter of the city of Cleveland, Tennessee, incorporated under the general corporation act of the Code of Tennessee, and all acts amendatory passed thereof and of giving said corporation additional powers, so as to divide the city into three wards and provide for the election of two aldermen from each ward by the legal voters thereof; and provide for the election of a mayor, recorder and marshal by the qualified voters of the city; and provide for the election of treasurer, tax assessor, school custodian and attorneys by the aldermen and prescribe the duties of the officers and fix their compensation and salaries; and authorize said city to issue bonds for public purposes after submitting the bond question to the qualified voters thereof; and to adjust taxes on real, personal and mixed property, privileges and polls; to define the duties of the officers of said corporation, and allow said city, after a vote has been taken and carried according to the provisions of this act, to issue bonds for public purposes specified in this act," be so amended as to read as follows:

Boundary.

Sec. 2. Be it further enacted, That the corporate limits of said city of Cleveland shall be as follow-

All that portion of the sixth and fourteenth civil districts of Bradley county, Tennessee, contained in the following boundary: Beginning at a stake at the southwest corner of the old L. G. Ross farm, thence east on a direct line to the southwest corner of the lot in the third ward, known as the McClelland property, east of the Spring place ward, to the present eastern boundary line of said city; thence northeast with that line to a stake opposite the railroad crossing near the old Carson residence; thence northwest to the east end of the lane running by J. P. Lea's residence, between the railroad and Charleston dirt road; thence northwest with the south side of said lane to the Charleston dirt road at the Joseph Callo-way house: thence north on the east side of the Charleston road with said ward to the McCroskey lane; thence west with the south side of said lane to a lane at J. T. Harle's line; thence south on west side of said lane with the lane or road to J. R. Taylor's line; thence west with said line to the creek at the slaughter pen; thence south with the eastern prong of said creek to the foot-log across Tom creek; thence eastward in a straight line to J. C. J. Woll's blacksmith shop; thence south with the Johnston line to the beginning corner, being the same boundary at present in the corporate limits of said town; thence northwest with the present line to the beginning.

Sec. 3. Be it further enacted, That section 7 of the Acts of 1893, approved April 7, 1893, and section 2 of the act of May 10, 1895, approved May 13, 1895, be so amended as to read as follows:

"On and after December 31, 1899, the mayor shall receive no salary for his services as mayor of said city of Cleveland." Mayor to receive no salary.

Sec. 3. Be it further enacted, That the recorder shall account to the city for all fees earned and received while acting as ex officio justice of the peace, that all such fees shall be included in his salary, provided in section 14 of said act. Recorder to account for fees.

4. Be it further enacted, That the board of mayor and aldermen shall have the power and authority to contract with any person or persons, firm or corporation for water for public purposes, and for electric or gas lights for the purpose of lighting the May contract for water and lights.

streets of said city; Provided, That no contract for water shall be made for a longer period than fifteen years, and no contract for lights for public purposes shall be made for a longer period than five years, and that three-fourths of all the legal voters in said city voting shall have voted in favor of such contract or contracts, at an election held for that purpose.

Ratification of
contracts.

Sec. 5. Be it further enacted, That all contracts for water or lights, or either, for public purposes, shall first be submitted to the board of mayor and aldermen, and should said contract or contracts be agreed to on three different readings, it will then be the duty of the mayor to publish such contract or contracts in two or more papers published in said city, and that twenty days' notice shall be given of any election held for the purpose of ratifying or rejecting the said contract or contracts.

Regulate price
of water and
light.

Sec. 6. Be it further enacted, That the board of mayor and aldermen of said city shall have the power and authority to regulate the prices for water or lights, or both, to be charged consumers within the limits of said city.

Rate of
taxation.

Sec. 7. Be it further enacted, That the rate of taxation in said city, for all purposes, shall not exceed seventy-five cents on the one hundred dollars.

Sec. 8. Be it further enacted, That all laws or parts of laws in conflict with this act be, and the same are hereby, repealed.

Sec. 9. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed March 20, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved March 23, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 141.

HOUSE BILL No. 563.

AN ACT to authorize and empower the corporate authorities of the town of Tullahoma, to issue interest bearing bonds for the purpose of erecting or purchasing and operating a system of waterworks in the town of Tullahoma.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the mayor and aldermen of the town of Tullahoma, in the county of Coffee, be, and they are hereby, authorized and empowered, in their corporate capacity, to issue interest-bearing coupon bonds of the said town, signed by the mayor and recorder of the said town, for an amount not exceeding the sum of twenty-five thousand (\$25,000) dollars, the proceeds of which shall be used exclusively for the construction or purchase and operation of a system of waterworks; Provided however, That the said bonds, or any part thereof shall not be issued until an election is first held in the said town to determine whether the legal voters of said town favor the issuance of said bonds.

May issue
waterworks
bonds if voters
so elect.

Sec. 2. Be it further enacted, That the mayor and aldermen of said town shall, by ordinance, appoint some suitable time at which to hold such election, and that they shall order and direct the town constable or other proper person to open and hold such election, which said election shall be held under such regulations and restrictions as the said board of mayor and aldermen may provide by law.

Election.

Sec. 3. Be it further enacted, That all persons who are qualified voters to vote for mayor and aldermen of said town shall be entitled to vote in said election.

Electors.

Sec. 4. Be it further enacted, That all persons voting in said election who are in favor of the issuance of the said bonds shall have written or printed on their tickets or ballots, "In favor of the Waterworks Bonds." And all persons voting in said elec-

Ballots; majority required.

tion who are opposed to the issuance of the same shall have written or printed on their tickets or ballots, "Opposed to the Waterworks Bonds." And if three-fourths of the whole number of votes cast in the said election shall be in favor of the issuance of the said bonds, then the same shall be issued.

Denomina-
tions; interest;
redemption.

Sec. 5. Be it further enacted, That the said bonds shall be in such denominations as the said board of mayor and aldermen may, by ordinance, determine; Provided, That they shall be in denominations of not less than fifty, nor more than one thousand dollars each, with coupons attached. The interest payable semi-annually and not to exceed six per cent. per annum; and that the bonds so issued shall mature in twenty years, and be payable in lawful money of the United States; Provided, however, That said bonds may, at the option of the said board of mayor and aldermen, be redeemed at any time after the expiration of five years from the date of issuance, and other like bonds may be issued in lieu thereof, in whole or in part, not, however, to exceed the amount necessary to pay off any unpaid bonds under the first issue, as herein provided for.

Sec. 6. Be it further enacted, That the said bonds shall not be sold for less than par or the face value thereof.

Interest and
sinking fund
tax.

Sec. 7. Be it further enacted, That in order to pay the interest on said bonds as the same shall become due, and also to provide the necessary sinking fund to pay said bonds or redeem same on or before maturity, the said board of mayor and aldermen shall annually levy a special tax on all property and privileges within the corporate limits of the said town, not to exceed forty cents on the hundred dollars' worth of property, or the state tax on privileges, in any one year; and the sinking fund herein created and provided for shall be used in payment of interest on, and the purchase or redemption of the said bonds in such manner as the said board of mayor and aldermen shall provide by proper ordinance.

How money
expended.

Sec. 8. Be it further enacted, That the money arising from the sale of the bonds herein provided for shall be expended under the ordinances and direction

of the board of mayor and aldermen, and that the treasurer of said board, or any depository designated by said board, shall be required to give bond with approved security for the safe keeping and the proper expenditure of said money.

Sec. 9. Be it further enacted, That before said bonds or any part of them are issued, they shall all be numbered, together with the coupons attached, and each bond, in addition, shall have the corporate seal attached thereto, and any and all safeguards against counterfeiting as the board may devise and direct.

Numbering,
etc.

Sec. 10. Be it further enacted, That the date of issuance, number and amount of each bond, with the coupons thereto attached and to whom sold, shall be entered by the recorder or comptroller in a well bound book to be provided by the board for that purpose, and which book shall, at all times be open to the inspection of the taxpayers of the said town. And the bonds shall be so issued as to have a stub, which stub can be written upon and cut from the bond in such a way as to leave a small amount of the top or bottom of the writing visible upon the edge of the bond; and this stub, from which the bond has been detached or cut off, shall be numbered to correspond with the number on the bond, and be well and securely pasted in the book last above referred to, in such a manner as to admit of the canceled bond and its canceled coupons being pasted in said book on a leaf for each bond, and in the same position and connection as before being separated or detached, and all to be so kept when canceled, as to show a clear and correct record of every bond and its coupons.

Record of
bonds to
be kept;
cancellation.

Sec. 11. Be it further enacted, That this act shall take effect from and after its passage, the public welfare requiring same.

Passed March 27, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved March 31, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 142.

HOUSE BILL No. 480.

AN ACT to amend an act entitled "An act to establish taxing districts in this state, and to provide the means of local government for the same, being chapter 2 of the Acts of 1879, and the acts amendatory thereof, so as to authorize and empower the taxing districts and cities organized under said act to acquire, improve and maintain parks for the benefit of the public.

May acquire
land for parks,
how; location.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That an act entitled "An act to establish taxing districts in this state, and to provide the means of local government for the same," being chapter 2 of the Acts of 1879, and the acts amendatory thereof, be, and the same is hereby, so amended as to authorize and empower taxing districts and cities organized under said act to acquire, improve and maintain parks for the benefit of the public. The parks or lands to be used for park purposes, may be purchased either by private negotiation or by condemnation, as hereinafter provided, as may be determined by the legislative council. If the parks or land for park purposes be purchased by private negotiation, the negotiation shall be conducted by such member or members of the legislative council as shall be designated by said council, but no purchase shall be effected until the same has the approval of a majority of the legislative council. And said parks or land for park purposes, may be purchased either within or without the limits of such taxing districts or cities, but no more than ten miles from the nearest point on the limits of such taxing districts or cities, as such limits may be at the time of such purchase.

Condemnation. Sec. 2. Be it further enacted, That any such taxing district or city may condemn parks, or land for park purposes, under the power of eminent domain and such taxing districts and cities are hereby expres-

ly given the power to condemn for park purposes the yards, switches, tracks, the depot and property of every character of any railroad company, and also the property of any manufacturing establishment, and also the property of any other person or corporation, either within or without the limits of said taxing district or city, but not over ten miles beyond the nearest point in said limits, as such limits may be at the time of such condemnation, and the proceedings for the exercise of this power of condemnation shall be the same as that now provided by law for the taking of private property for public uses.

Sec. 3. Be it further enacted, That in order to raise the means necessary to purchase or condemn parks, or land for park purposes, such taxing districts and cities are hereby authorized and empowered to issue their coupon bonds to an amount not exceeding two hundred and fifty thousand (\$250,000) dollars, bearing a rate of interest not exceeding five per cent., maturing at such time, callable in such manner as the legislative council may determine, and payable in lawful money of the United States of America. And in order to secure the payment of said bonds and interest, such taxing district or city may execute a trust deed on said parks, or park lands, and upon all the buildings and improvements situated upon the park lands, and such stipulations and provisions may be incorporated in said trust deed for the security of said bonds as may be deemed necessary and expedient by the legislative council. But it is expressly provided that such bonds and coupons, to be issued as aforesaid, shall not create or carry any general liability against said taxing district or city, but the holders of said bonds and coupons shall look solely to the security of said trust deed and said parks and park lands for the payment thereof.

May issue bonds; security therefor.

Sec. 4. Be it further enacted, That such taxing district or city is hereby authorized and empowered to levy a special park tax annually, so long as said bonds shall remain outstanding; said tax shall not exceed ten cents on the one hundred dollars for any one year, and the proceeds of said tax shall be expended solely for the purpose of paying interest upon said bonds, and for the purpose of improving and keeping up said parks.

Park tax

Park ways.

Sec. 5. Be it further enacted, That such district or city shall have the power to purchase or acquire by condemnation park way or park ways, either running from such district or city to any such park, or running between and connecting such parks and such district or city, may purchase or condemn such park ways, either within or without the limits of such district or city, but in no case more than one mile beyond the nearest point on the limits of such district or city as the same may be at the date of purchase or condemnation, and the proceeds of said bonds aforesaid may be used to pay for improving and maintaining such park ways.

Park commission.

Sec. 6. Be it further enacted, That the legislative council of such taxing district or city, shall have power to establish, by ordinance, a park commission composed of three members, who shall be elected by said legislative council. The first park commissioner elected shall be elected for the following terms: one for two years, one for four years, and one for six years, and at the expiration of the term of office of a commissioner, his successor shall be elected for the same term. Such park commissioners shall have the entire control of the parks, park lands and park buildings acquired by such taxing district or city under the provisions of this act. It shall be their duty to lay out, improve and maintain the parks, engage all superintendents, gardeners and employees, and no moneys shall be paid out of the proceeds of said park bonds, nor park tax, until the same are approved by at least two park commissioners. Said park commission is hereby expressly empowered to open or close streets, alleys or roadways running across or through parks, or park lands, and they shall have this power well within the limits of such taxing district or city as without such limits.

Rules, etc., to govern commissioners.

Sec. 7. Be it further enacted, That the legislative council of such taxing district or city, shall have and ample power to establish, by ordinance, regulations to govern said park commission and to govern the employment and discharge of

and to fix the official bonds and the compensation of such park commissioners and the employes.

Sec. 8. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed March 27, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved March 31, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 143.

HOUSE BILL No. 445.

AN ACT to change the line between the counties of Smith and DeKalb.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the line between Smith and DeKalb counties be so changed as to include all the lands of J. M. Bates in Smith county: Said lands begin on a stake in the Smith county line and run south 52 poles to the mouth of a hollow; thence northwest 36 poles to a stake; thence northwest 69 poles to a line stump; thence northwest 28 poles to a dogwood; thence north 3 poles to an oak; thence northwest 65 poles to an oak; thence north 38 poles to a poplar; northwest 41 poles to a walnut in the Smith county line.

Sec. 2. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed March 29, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved March 30, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 144.

HOUSE BILL No. 655.

AN ACT to change the county line between the counties of Campbell and Claiborne.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the county line between the counties of Campbell and Claiborne be so changed as to include all the lands of J. E. Smith, R. B. Rogers and R. L. Childress, together with the county road leading from Well Spring by way of Childress gap to Jellico, in Campbell county, beginning on Cumberland mountain at a chestnut oak and hickory in the county line known as W. S. Needham's corner; thence N. 42 W. 160 poles to a stake; thence N. 50 W. 96 poles to a stake; thence N. 80 W. 58 poles to a stake; thence N. 40 W. 60 poles to a stake; thence N. 63 W. 60 poles to a stake; thence N. 28 W. 60 poles to a stake; thence N. 49 W. 50 poles to a stake; thence W. 60 poles to a stake; thence S. 70 W. 38 poles to a white oak in the old county line.

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with this act is hereby repealed, and that this act take effect from and after its passage, the public welfare requiring it.

Passed March 29, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved March 30, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 145.

HOUSE BILL No. 316.

AN ACT to empower and authorize the town of Ripley to issue bonds for the purpose of paying off the indebtedness on its public school property and to improve the same.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That from and after the passage of this act, it shall be lawful for the mayor and aldermen of Ripley, to issue and sell coupon bonds not exceeding ten thousand dollars, under the provisions and limitations hereinafter set out for the purpose of paying off the present indebtedness of the public school property of the said town and improving the same by repairing its building, or building new ones, or both, and fencing and improving the grounds belonging to same. May issue school bonds.

Sec. 2. Be it further enacted, That said bonds shall bear a rate of interest not to exceed six per cent. per annum, payable in lawful money of the United States annually or semi-annually, as the board may, by ordinance, direct; they shall be issued in denominations of not less than one hundred dollars, nor more than five hundred dollars, and shall be payable in lawful money of the United States at any time or times, and in such times as the mayor and aldermen may, by ordinance, direct; Provided, That none of said bonds shall be issued to mature at a greater length of time than fifteen years, nor shall said bonds, when sold, be sold at less than par value. Denomination, interest, etc.

Sec. 3. Be it further enacted, That in a well bound book, to be provided by said mayor and aldermen, and kept by them open to the inspection of the public, shall be kept a record of said bonds which, in several columns appropriately headed, shall show the number of the bond, its series, its denomination, its rate of interest, to whom sold, when sold, at what price, when matured, when called, if called before Record of bonds.

maturity, when paid, together with a record of all coupons, amounts, series, numbers and dates of payment. Each of said bonds shall be signed by the mayor and attested by the recorder, and each coupon shall be signed by the recorder.

Election as to
issuance.

Sec. 4. Be it further enacted, That before said bonds shall be issued that an election shall be had in said corporation, at the usual voting place and within the hours in which corporation elections in said town are now directed by law to be held. All the persons qualified to vote in an election for mayor and aldermen of said town, shall be qualified voters in the election herein provided for. Said election shall be advertised by written posters, in at least three places in said town, one of which shall be at the courthouse and others at such public places as would most likely best give notice of said election. The town marshal shall hold said election, and the mayor shall appoint three judges and two clerks of good reputation in the community. Tickets shall be provided for those entitled to vote at said election, printed to express the wishes of the voters. Those desiring to vote for the issuance of the bonds shall vote the ticket having printed on it the words "For the Bonds," and those desiring to vote against such bond issue shall vote the ticket having printed on it, "Against the Bonds," and if, at such election, a majority of the votes cast shall be "For the Bonds," upon the same being properly certified to the mayor of said town, he shall cause said certificate of said election, at the next regular or called meeting of said board of mayor and aldermen, to be recorded on its minutes, and thereupon said bonds may be issued as above provided; but without such election majority and record no bonds shall be issued.

Sec. 5. Be it further enacted, That none of the proceeds of the sale of said bonds shall be used for any purpose than for the improvements of said school property and paying of the indebtedness mentioned, as out in the first section of this act.

Treasurer to
receive and
pay out pro-
ceeds.

Sec. 6. Be it further enacted, That the proceeds of the sale of said bonds shall be paid to the treasurer of said board of mayor and aldermen, and shall be paid out by him upon the order of the building committee, appointed to have such improvements made.

Sec. 7. Be it further enacted, That the mayor and aldermen may, by ordinance, provide the methods by which said bonds, when issued, are to be sold and the proceeds to be covered into the treasury, and shall require such bond to be given by its treasurer for the safe keeping and proper disbursement of this fund, as they may see proper, and may also fix his compensation for same, to be paid out of the public taxes of said corporation.

Method of selling etc.; bond of treasurer.

Sec. 8. Be it further enacted, That whenever, by the sale of said bonds, said mayor and aldermen are enabled to begin and prosecute said work of improvements, they shall appoint three discreet and capable voters and freeholders of said corporation as a "Building Committee," and said committee will be authorized to draw, by its order, signed by any two of them, upon the treasurer of said board of mayor and aldermen for moneys to pay off the said indebtedness on said property, and for the expense of such improvements to said property as may be incurred, and said building committee may employ an architect, if they see proper, and such other assistance as may be necessary to determine upon the extent and character of said improvements, but they will in no event contract or agree to do any work or enter upon any system which will require a greater expenditure than the proceeds of said bonds after paying off the present indebtedness on said property.

Building committee.

Sec. 9. Said "Building Committee" and said treasurer will keep strict accounts of all the expenditures of said fund, and will settle and balance their accounts once each month and present the same to said mayor and aldermen, who shall, if they find the same correct, spread said settlements on their minutes.

Accounts to be kept.

Sec. 10. Be it further enacted, That upon the issuance of said bonds, said mayor and aldermen shall levy an annual tax not to exceed twenty-five cents on each one hundred dollars' worth of taxable property of said corporation, the proceeds of which shall be applied to the payment of the interest on said bonds, as they mature, and to the principal as rapidly as may be in accordance with the term of their issuance.

Interest and sinking fund tax.

This fund, too, shall be paid to, kept and paid out by the treasurer of the mayor and aldermen, and

paid out on the direction of said mayor and aldermen, as he now pays other moneys of said corporation.

Sec. 11. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed March 1, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved March 2, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 146.

HOUSE BILL No. 531.

AN ACT to repeal the charter of the town of Obion, in the county of Obion, and to reincorporate said town and define its rights, powers, etc., and to establish and maintain a separate school district in said town, and for other purposes.

Old charter re-
pealed. Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the charter of the town of Obion, in Obion county, be, and the same is hereby, repealed, and that said town have in lieu thereof the charter hereinafter granted.

Name and
style; may ac-
quire and dis-
pose of prop-
erty. Sec. 2. Be it, further enacted, That said town of Obion, in Obion county, and the inhabitants thereof, are hereby constituted a body politic and corporate, by the name and style of the town of Obion, and shall have perpetual succession; that by this corporate name and style may sue and be sued, contract and be contracted with, grant, receive, purchase and hold real, mixed and personal property, or dispose of same for the benefit of said town, and may use an official seal.

Boundaries. Sec. 3. Be it further enacted, That the boundaries of the corporation of Obion are to be as follows:

Beginning at a red oak tree at the mouth of Jackson's slough on the north bank of Obion river, 50 poles

east of a stake with two white oak pointers on the north bank of Obion river, this being the southeast corner of the corporation of Obion as originally laid off in March, 1888, thence north parallel with the original east boundary line of said corporation 145 poles to the center of Palestine street, continuing thence north 109 poles to the center of the I. C. Railroad on the lands of Brown and Farris, continuing 48 poles to a stake; thence west through the lands of I. S. Brown, P. A. Hurt, G. B. Morris and John Board 307 poles to a stake in said Board's field; thence south 158 poles to the corner of the lands of W. M. Wilson and J. A. Climer, in center of Palestine street, continuing thence south with the west boundary line of W. M. Wilson's land 222 poles to said Climer's southeast corner on the west bank of Richland creek; thence with the meanderings of said creek to Obion river; thence up said river as it meanders to the beginning corner.

Sec. 4. Be it further enacted, That all real and personal property belonging to the mayor and board of aldermen of the town of Obion, the charter of which is hereby repealed, shall hereafter belong to the corporation hereby created "The Town of Obion," and that all legal claims, debts and demands now existing against the mayor and board of aldermen of the town of Obion be assumed and paid by the town of Obion, and constitute legal and valid claims against it.

Property vested
in new town.

Sec. 5. Be it further enacted, That the first general election for mayor and aldermen under this act, shall be held in said town of Obion on the last Saturday in April, 1899. Said election shall be opened and held by the legally appointed officer of Obion county. Immediately after the passage of this act said officer shall give notice of said election, the place where it will be held, by written or printed notices posted in at least five public places in said town, or may give notice by publication in some newspaper published in said town. Said election shall be governed by the same laws governing the elections in this state for state and county officers. Any person is a qualified voter for members of the general assembly under the laws of Tennessee in Obion county and who shall have been a resident of said town

Election for
Mayor and
aldermen; elec-
tors.

Result of election certified;
copy deposited.

Majority vote elects; terms of office; tie vote.

for six months preceding said election, shall be entitled to vote and have his vote counted in said election. Nonresidents having a taxable freehold in said town, and who are qualified voters for members of the general assembly at some place in Tennessee, shall also be entitled to vote. Any qualified voter may vote for one candidate for mayor and six candidates for aldermen. The officer holding said election shall at once make two certified copies of the result of said election, showing the names of all the candidates voted for, what office they were voted for, and the number of votes received by each. One copy he shall deliver to and deposit with the county election commission of Obion, and the other he shall deliver to the party receiving the highest number of votes for the office of mayor. The candidate receiving the highest number of votes for the office of mayor shall be the mayor of said town, and shall hold his office for a term of two years, or until his successor is elected and qualified, and the six candidates receiving the highest number of votes for aldermen shall be the aldermen of said town, three of whom shall hold their offices for two years and three for one year; Provided, that no person shall be eligible to the office of mayor or alderman of said town unless at the time of his election he is a qualified voter in the elections in said town. If there should be a tie vote on the vote cast between two or more candidates for mayor, or two or more candidates for aldermen, who should be among the six candidates receiving the highest number of votes cast, the remaining number (among whom there is no tie) of the mayor and board of aldermen elect shall settle such controversy by a majority vote at their first meeting.

Sec. 6. Be it further enacted, That the mayor and aldermen, before entering upon their duties, shall take an oath that they will honestly and faithfully discharge the duties of their offices, without partiality favor or affection.

Organization of board; terms; vacancy

Sec. 7. Be it further enacted, That said mayor and board of aldermen shall, on the first Wednesday after their election organize, and the three first names (taken in alphabetical order) of the aldermen elect shall hold their offices for a term of two years, or until

their successors are elected and qualified, and the three last names shall hold their offices for a term of one year, or until their successors are elected and qualified, and in case there are two members elected whose names begin with the same letter, the remaining members of the board shall decide which shall serve for two years. And annually thereafter there shall be three aldermen elected at the regular election, as provided for in this act, the term of office being two years. Any vacancy occurring, either of mayor or aldermen, whether by death, removal or resignation, shall be filled by the remaining members of the board.

Sec. 8. Be it further enacted, That an election shall be held every year hereafter on the last Saturday in April, for three aldermen, and biennially on same date for the election of mayor, under the provisions of section 5 of this act; Provided, That the mayor and board of aldermen shall have the right to make such regulations as they may deem best touching the manner of holding said elections, notice of same, and certifying the results, which regulations shall not be in conflict with the general laws of this state. Said elections shall, in all cases after the first one, be held by the marshal of the town on order of the mayor; Provided, That a failure to hold said election at the time stated shall not operate as a forfeiture of this charter, but that the mayor and marshal shall be required to perform their duty by mandamus in any of the courts of this state having jurisdiction of the matter and parties. Annual election.

Sec. 9. Be it further enacted, That the mayor and board of aldermen of the town of Obion are hereby Powers. empowered—

1. To enact such by-laws and ordinances as may be necessary to preserve the health, quiet, peace, and good order of said town, including such quarantine regulations not to exceed two miles outside of the limits, as occasions may require.

- To declare what is a nuisance, and to prevent remove the same.

- To levy and collect taxes upon all property in the corporate limits taxable by the laws for purposes, and on polls; Provided, No levy for municipal corporate purposes shall exceed seventy-five

cents on each one hundred dollars valuation of taxable property, and shall not exceed one dollar on polls, but this shall not apply to the special tax levied for school purposes, but the mayor and board of aldermen are hereby empowered to levy a special tax not to exceed fifty cents on the one hundred dollars valuation of taxable property, and shall not exceed one dollar on polls, for public free school purposes in said town; And provided further, That the tax levied for general corporate purposes, and the special tax levied for public free school purposes in said town, shall not exceed one dollar and twenty-five cents on the one hundred dollars valuation of taxable property, and shall not exceed two dollars on polls; And provided further, That before any board shall make the tax levy for general corporate purposes, and for public free school purposes, which shall be made annually, they shall first make and record on their minutes an estimated list or budget of expenses for the coming year, to which reference shall be had in making their tax levy. The tax levy for the year 1899 shall be made not later than July 1, 1899, and shall be made annually thereafter in the month of May.

4. To appropriate money and provide for the debts and running expenses of the corporation.

5. To provide for and establish a system of public schools, which shall be free from sectarian influences, and to provide for the support of the same.

6. To license and tax all privileges taxable by the laws of the state.

7. To regulate or prohibit and suppress theatricals and other shows and exhibitions.

8. To regulate and suppress gaming and gambling houses, disorderly houses, bawdy houses, and all houses where one or more men and women meet for lewd purposes, or prostitution, or adulterous cohabitation, and they shall have power to declare all such places nuisances and abate them as such.

9. To prevent or suppress the carrying of concealed weapons, or the sale of the same.

10. To regulate the storage, sale, or use of fire crackers, and all other fire works, toy pistols, explosives and combustibles.

11. To provide for the inspection, weighing, and

measuring of coal, wood, and other fuel; hay, corn, and other grains brought to or sold on the market for the use of the citizens of the town.

12. To establish, regulate, license and tax markets and marketers, or persons selling produce or provisions in the town.

13. To impose fines for forfeitures and penalties for the breach of any ordinance adopted under this act, and to provide for their recovery and the arrest of any party or parties breaching said ordinances, and to provide for sentences of imprisonment in the town workhouse; Provided, That no fine shall exceed fifty dollars, and no sentence of imprisonment more than three months.

14. To erect and keep a town prison or calaboose, in which to confine all persons violating the town ordinances, under such regulations as they may by by-laws or ordinances adopt.

15. To erect and organize a workhouse in or near the town, and provide for the committing and working in said workhouse, on the public streets or town works, of any person who shall fail to pay or secure any fine and cost assessed against them for the violation of any ordinance, or who, for any such violation, may be sentenced to said workhouse, and to provide for the management and control of the same.

16. To regulate or prohibit the running at large on the streets, dogs or other animals.

17. To designate in said town certain districts as fire limits, and to provide for the character of houses that may be built in said limit or limits, and to regulate the same.

18. To provide for the support and maintenance of a police force, and to appoint the same.

19. To lay said town off into any number of wards, not more than six, and to change the same from time to time.

20. To pass all ordinances necessary for the health, peace, convenience, safety, and good order of the town, and for the suppression and prohibiting of any and all acts and things made criminal by the laws of the state, and to provide a punishment for breach of the same.

21. To condemn and take, use and appropriate, any

ground necessary to widen or extend streets, avenues, or alleys; but it shall pay to the owner or owners of said ground the actual damage done them, taking into consideration the improvements made.

22. To regulate the sale of intoxicants, beer and ale or malt liquors; to keep up streets, alleys, and sidewalks of said town, and to fix the grade of the same; to open others, abolish, widen, or extend the same, and to pass all necessary ordinances requiring the owners of lots to make brick, stone, or plank sidewalks in front of their property along any street, and if the owner refuse, to provide a remedy and create a lien on said property for the same; but before such requirements shall be made the town must first, at its own expense, make good, substantial curbing along the property required to be fixed by any such owner.

23. To prevent engines and trains from blocking the streets and alleys of said town, and to regulate their speed through town.

24. To make suitable regulations for the preservation of life and property from fire or other casualty, and to pass ordinances requiring all parties, before erecting any building in the town, to obtain written permission from a building committee, which may be appointed and governed by suitable regulations.

25. To provide for the organization and regulation of fire companies, volunteer and otherwise.

26. To provide a system of fire works, and the control of same.

27. To provide a system of waterworks, and its control, erect hydrants and pumps, construct cisterns and reservoirs, to lay pipes for conducting and distributing water over the town, and keep the same in repair, and generally to do all things necessary to procure and keep for said town a complete system of waterworks for domestic, mechanical, and other purposes, and to regulate and fix the price to be paid by private consumers thereof; to provide for lighting the streets, alleys, and public places in said town.

28. To pass and enforce all ordinances that may be necessary to effectuate and carry out the provisions of this act, and for all purposes for the good health, good government, and general welfare of the town and the inhabitants thereof.

Sec. 10. Be it further enacted, That whenever the grade of any street shall have been fixed, the same shall not thereafter be changed unless the property holders representing two-thirds of the frontage in feet of lots fronting upon the grade proposing to be changed shall petition for such change. Streets, etc.

1. To build, make, or repair streets and sidewalks.

2. To construct and keep up a system of sewerage in said town.

3. To build public buildings for town use.

Sec. 11. Be it further enacted, That upon the organization of the first board, and all other boards thereafter, or as soon thereafter as possible, the mayor and board of aldermen shall elect a town recorder, a town marshal, and a town treasurer, who shall hold their offices for a term of one year, or until their successors are elected and qualified, and shall have power to employ an attorney for the town; and shall provide for the compensation of said officers and attorney. No person shall be eligible to the office of recorder or treasurer unless at the time he would be eligible to the office of mayor. They shall also, upon the organization of the first board, elect three voters in said town, who can read and write, as town school directors, one of whom shall hold his office for one year, one for two years, and one for three years, and annually thereafter they shall elect one member of said board. They shall also from time to time appoint all necessary committees to carry out the provisions of this charter, and all ordinances passed by them hereunder, and shall fill all vacancies in the offices above stated at any time occurring. Election of officers and appointment of committees.

Sec. 12. Be it further enacted, That the compensation of the mayor shall be fixed by the board of aldermen, but shall not exceed two dollars for each regular meeting. He shall preside at all meetings of the board unless absent, and in his absence the board elect some member of the board of aldermen to preside in his place; and in case of a tie vote by the board of aldermen the mayor shall cast the deciding vote. He shall see that all by-laws and ordinances of town are properly respected and enforced, and shall have such other authority, and perform such duties, as the board may from time to time School directors.

Mayor's compensation, duties, etc.

grant and impose. He shall try all offenders brought before him for a violation of any of the town ordinances, and shall have, and is hereby given, all rights, authority, duties, power, and jurisdiction in all cases, both civil and criminal, that justices of the peace have in Obion county, and from time to time may have, and for his services in all cases, including cases for a violation of the town ordinances, he shall receive such fees as justices of the peace receive for similar services. He shall keep a mayor's docket book, such as is kept by justices of the peace, and in the same way. He shall countersign all orders drawn on the treasurer.

Recorder's
duties.

Sec. 13. Be it further enacted, That the recorder shall keep an accurate minute of the proceedings of the mayor and board of aldermen, issue all license to merchants, and license for privileges, and collect taxes on same, as well as all other taxes, and shall keep an accurate account of the same in a book kept for that purpose, as well as any other fund that may come into his hands from any source whatever. He shall make out the town tax book at such time and under such rules as the board may prescribe. In making out the tax book the recorder may take the list of property, the assessed value, etc., from the assessment book of the assessor for the then present or past year, of property for state and county taxes, and any omitted property, and fix the value thereof. The board may at any time elect the recorder or some other person a town tax assessor, whose duty it shall be to assess all property and polls in the corporation for taxation, enter the same on a suitable assessment book prepared for such purposes; and such assessment shall be made under the law by which such property and polls are assessed for state and county purposes, except as herein provided. Such assessor shall have such power, or such as may be necessary and allow assessors of state and county taxes. The assessor shall be required by the board to take an oath to faithfully discharge all duties of his office, and the board shall fix the compensation of the assessor. The recorder shall perform such other duties as the board may impose upon him, and he shall turn over to the treasurer at least every thirty days, or oftener if required

Tax assessor.

Recorder's
further duties.

the board, all the moneys of the corporation that may come into his hands from any source whatever, and take a receipt for the same. The recorder shall be entitled to a fee of one dollar for each license issued by him, and fifty cents for transferring license, and said fees shall be paid by the applicants; and the recorder shall have such other salary as the board may fix by ordinance or otherwise. The recorder, before entering upon his duties, shall execute a bond payable to the mayor and aldermen of Obion, with good security, in such sum as the board may prescribe, not to be less than double the amount of funds that may come into his hands as recorder, conditioned to be void only if the recorder shall faithfully account for and pay over to the treasurer all the funds of the corporation that may come into his hands, and faithfully perform all other duties required of him by law. Recorder's bond.

Sec. 14. Be it further enacted, That the town marshal shall be the criminal officer of the town, and chief of police. He shall hold his office for a term of one year, and until his successor is elected and qualified, unless sooner removed by the board for good cause. He shall arrest all persons violating any of the criminal laws of the state, or ordinances of the town, and take them before the mayor or some other person authorized by law, for trial or examination. When in his judgment it is necessary, he shall have the power to confine any one so arrested in the town calaboose or jail. He shall have all the power, authority, duty, and jurisdiction within the corporate limits of the town as to all process, criminal or civil, that constables have, and from time to time may have. In making arrests he shall have power to call upon or summon the posse comitatus when necessary, and may arrest persons without a warrant when the offenses are committed in his presence, or where the offender is about to escape beyond the limits of the town, and he may pursue the offender one mile beyond the limits of the town for the purpose of making arrests. He is hereby authorized, with warrant in his possession, to make arrests anywhere in the county. He shall have all other such authority, and do and perform all such other duties, as the board may from time to time grant and direct. Before entering upon Marshal.

his duties he shall give bond in such conditions, and in such penalties, as the board may prescribe, and shall take an oath to faithfully perform the duties of this office.

Treasurer.

Sec. 15. Be it further enacted, That the town treasurer shall be the financial agent of the town, and the custodian of the funds. He shall hold his office one year, and until his successor is elected and qualified, unless he is sooner removed for good cause. He shall, before entering upon the duties of his office, give bond in the penalty, and upon such conditions, as the board may prescribe, and shall have all authority and do and perform all such acts as the board may grant or direct, and shall take an oath to faithfully perform the duties of his office.

Sec. 16. Be it further enacted, That the present officers of the town of Obion, elected under the charter herein repealed, shall be the legal officers of the town, and shall have power and authority to discharge all the duties of their offices until their successors are elected and qualified as provided in this act.

Old ordinances remain in force.

Sec. 17. Be it further enacted, That all the by-laws and ordinances now in force in the town of Obion, and which are not in conflict with this act, shall remain in full force and effect until repealed or changed by the mayor and board of aldermen of said town.

Assessment.

Sec. 18. Be it further enacted, That the assessment for taxes for the year 1899 shall be made on or before July 1, 1899, and for every year thereafter on or before July 1. The assessment shall be made by the recorder, who shall be governed by all the laws of the state governing assessments for the state, and shall have all their rights and authorities.

Tax levy.

Sec. 19. Be it further enacted, That the annual tax levy for the year 1899 shall be made at some meeting of the board in May, 1899, and annually thereafter it shall be made at some meeting of the board in May. Said taxes, when levied, shall have all the force and effect given by state laws to state taxes in this state.

Tax book; recorder to collect taxes; delinquents.

Sec. 20. Be it further enacted, That as soon as practicable after the tax levy is made by the board, the recorder shall make out a town tax book in duplicate. They shall be made out in 1899 not later than

September 1, and every year thereafter not later than August 1. One copy of said tax book shall be kept by the recorder, and the other by the mayor. The taxes for each year shall be due and payable on and after October 1 of each year. The recorder shall be town tax collector (unless otherwise ordered by the board), and in collecting said taxes shall have all the powers, rights, and authority that belongs by law to county trustees in the collection of state and county taxes. The recorder shall make out a list of all delinquent taxes remaining on his books, and deliver the same to the town marshal, or such other person as the board may direct, not later than the first Monday in February next following the year for which said taxes were levied. The town marshal, or party receiving said delinquent taxes, shall have all the powers and rights and compensation in their collection that constables and delinquent tax collectors now have, or may have, in collecting state and county taxes, and shall make his return on the first Monday of June in each year to the recorder. Before taking such taxes he shall enter into bond in such penalty, and of such conditions, as the board may prescribe. After return of said marshal, or delinquent collector, the recorder shall at once make out and deliver to the mayor a list of such taxes remaining delinquent which is assessed against real estate, and the mayor shall have power to issue distress warrants against delinquents to collect the taxes upon application of the recorder or marshal, and against parties who are not delinquent who may be about to remove out of the corporation or county, or are about to fraudulently dispose of their property, upon affidavits. Said warrants shall be directed to the marshal or officer, and executed by him. Said distress warrants in the hands of the officer shall give him power the same and subject them to the same liabilities as in case of an execu-

1.

Sec. 21. Be it further enacted, That the town of _____ is hereby created a separate school district, and public schools in said town shall be managed and controlled by the school board hereinbefore provided. Said board of school directors, at their first meeting, shall organize by electing one of their num-
School directors, funds, etc.

ber chairman, another secretary, and another treasurer. The said board of directors, by their name and style of the Board of Directors of the Obion High School. The officers of said school board shall each hold their offices for a term of one year, and until their successors are elected and qualified. The treasurer, before entering upon his duties, shall give such bond as the board may prescribe, payable to the Board of Directors of the Obion High School. He shall be entitled to receive from the state and county officers all moneys that said school district may from time to time become entitled to from the public school fund, the same as if it was organized under the public school laws of the state, said money to be paid to him on an order or orders drawn in his favor by the chairman and clerk of the board; and in the same way he shall receive all moneys belonging to said school from the town of Obion. He shall pay out said funds on the order of the chairman and clerk of the said board. Said school directors shall be governed by the state laws governing school directors, when not in conflict with this act, and shall have authority to arrange with the school district directors of the district from which the town of Obion is taken by this act, for the children of said school district to attend the Obion High School at any term of said school so long as its pro rata of the state and county school fund may last, and when this state and county school fund is exhausted or expended, said board may make and fix terms and prices by which the children of said district, or any other district, may attend said high school.

Levy to run
schools nine
months.

Sec. 22. Be it further enacted, That whenever the public school fund payable to this school district from the state and county, shall be insufficient to run said school for nine months in each year, the board of directors may certify that fact to the mayor and board of aldermen, with an estimate of what amount will be necessary to meet the deficiency therein for the ensuing year, and the mayor and board of aldermen shall levy and collect the amount of such estimate as provided for the levy and collection of other taxes for town purposes; Provided, That this levy shall not exceed fifty cents on the one hundred dol-

lars worth of taxable property, and one dollar on polls, as provided for in section 9, subsection 3, of this act.

Sec. 25. Be it further enacted, That all laws and this act any omission is made in defining the duty or authority of any officer provided for herein, and is essential to properly carrying out the objects of this act, the mayor and board of aldermen are hereby granted authority to supply such omission, and they are further given power and authority to do any and everything necessary to carry out the objects of this act.

Board to carry
out this act.

Sec. 24. Be it further enacted, That the mayor and board of aldermen shall have the power to provide by ordinance for the settling of all tie votes in any election for any of the town officers, and may provide for contests, and the mode of such contests.

Tie votes and
contests.

Sec. 25. Be it further enacted, That all laws, and parts of laws in conflict with this act be, and the same are hereby, repealed.

Sec. 26. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed March 25, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 3, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 147.

HOUSE BILL No. 463.

AN ACT to authorize Knox county to fund her floating indebtedness represented by county warrants, or so much thereof as may be determined by the quarterly court of said county, and to issue bonds not to exceed one hundred thousand dollars in amount for said purpose.

May issue
bonds.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the quarterly court of Knox county is hereby authorized by two-thirds of the members of said court concurring, to issue the bonds of the said county of Knox, of such denominations, payable in lawful money of the United States, and at such times and places, bearing such rate of interest not exceeding four per cent. per annum as said county may determine; none of said bonds to run longer than thirty years from their date, and the whole issue not to exceed in the aggregate one hundred thousand dollars (\$100,000), for the purpose of funding the floating debt of said county represented by county warrants, or such part thereof as may be determined by said quarterly court.

Coupons.

Sec. 2. Be it further enacted, That the interest on said bonds shall be payable semiannually, and there shall be attached to each of said bonds, coupons for each installment of interest thereon maturing at the proper date, and said bonds shall be numbered serially, and the coupons shall also bear the number of the bond to which it is attached.

Signature.

Sec. 3. Be it further enacted, That said bonds before being issued shall be signed by the judge of said county court and countersigned by the clerk of said county court, who shall affix thereto his seal of office; and that the coupons of said bonds shall be signed by said judge and clerk, but without the seal. Provided, That the signatures of said judge and clerk upon the coupons aforesaid may be lithographed.

Sec. 4. Be it further enacted, That this act shall be printed on the back of said bonds, and that it shall be recited on their face that they are issued by the authority of this act, a copy of which is indorsed upon the bond.

Act printed
on bonds.

Sec. 5. Be it further enacted, That said bonds shall not be sold or hypothecated for less than their face value, and the proceeds thereof shall be used only for the purpose recited in section 1 hereof, to wit: The redemption and the payment of the warrants of said Knox county, or such part thereof as may be determined by said court, and for none other.

Sold at face
value;
for what used.

Sec. 6. Be it further enacted, That the said county court is further authorized, and it is hereby made its duty, to lay and levy a tax sufficient for the payment of said bonds, and the coupons of said bonds, as they mature.

Tax for inter-
est and re-
demption.

Sec. 7. Be it further enacted, That after the sale of the bonds provided for in this act, the county judge of said Knox county shall, by publication in some daily paper of Knoxville, Tennessee, for ten consecutive days, give notice to all holders of such of the warrants of Knox county as the county court of said county may have determined, to present the same for redemption within ten days of the date of the publication of said notice; and from and after the expiration of the ten days aforesaid, all of said warrants which may be interest bearing shall cease to bear interest, and no action for the recovery of interest upon any of the aforesaid warrants, after said ten days, shall be maintained in any court.

Warrants re-
deemed.

Sec. 8. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 1, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 3, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 148.

HOUSE BILL No. 140.

AN ACT to amend chapter 178 of the Acts of 1889, passed April 3, 1889, and approved April 4, 1889, entitled "An act to regulate the practice of medicine and surgery in the State of Tennessee," and to amend chapter 109 of the Acts of 1891 amendatory of said chapter of the Acts of 1889, and providing further regulations for the practice of medicine and surgery, and to repeal chapter 61 of the Acts of 1897.

Be it enacted by the General Assembly of the State of Tennessee:

Section 1. That the tenth section of said act of 1889 be so amended as to insert after the word "conferred" in the fifth line of said section the following words, to wit: And that the clerk hereafter, beginning with the first Monday in July next, and at the end of every six months thereafter, report to the secretary of the board of medical examiners all such registrations in his office, together with a list of the deaths and removals from his county of those physicians who have registered, or may hereafter register, in his office; for which service the clerk shall be paid by the treasurer out of the funds of the board of medical examiners ten cents for each name registered.

Sec. 2. That the third section of chapter 109 of the Acts of 1891, passed March 23, 1891, and being amendatory of chapter 178 of the Acts of 1889, be so amended as to insert after the word "dollars" in the eleventh line of said third section, the following words, to wit: "And all such fines for offenses under this act shall be paid over to the treasurer of the board of medical examiners to constitute a part of the fund of said board."

Sec. 3. That the provisions of this act shall not apply to physicians or surgeons of other states who may be called by any reputable registered practitioner

in this state into actual consultation in regard to some case under his supervision and care.

Sec. 4. That students graduating in medical colleges outside of the State of Tennessee shall not practice medicine in this state without being examined by the state board of medical examiners, except as provided in section 3 of this act.

Sec. 5. That section 3 of said chapter 178 of the Acts of 1889 be amended by inserting after the word "therapeutics," in the eleventh line of said section, the words "materia medica and practice."

Sec. 6. That section 12 of said chapter 178 of the Acts of 1889 be, and is hereby, amended by striking out "\$10," in the twelfth line of said section, and substituting \$5.

Sec. 7. That the grand jury of each county in this state is hereby given inquisitorial power over all offenses and violations of this act and those acts amended by this act, and the circuit and criminal judges shall give the same in their charge to the grand juries.

Sec. 8. That chapter 61 of the Acts of 1897, purporting to amend the Acts of 1889 and 1891 hereinbefore mentioned, be, and the same is hereby, repealed.

Sec. 9. That this act take effect from and after its passage, the public welfare requiring it.

Passed April 4, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 6, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 149.

HOUSE BILL No. 204.

AN ACT to prevent horses, cattle, sheep, swine, and goats from running at large in Fayette county, and to provide a penalty for violating the provisions of this act.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That it shall be unlawful for any person or persons owning horses, cattle, sheep, swine, or goats willfully or knowingly to permit said stock to run at large.

Sec. 2. Be it further enacted, That anyone violating the provisions of section 1 of this act shall be liable to the party or parties injured for all damage or injury done by said stock.

Sec. 3. Be it further enacted, That any violation of the provisions of this act shall be declared a misdemeanor, and punished by fine of not less than two nor more than twenty-five dollars.

Sec. 4. Be it further enacted, That all persons damaged by stock running at large shall have a lien upon said stock for the satisfaction of said damages, which lien shall be enforced by attachment or execution at law levied upon said stock.

Sec. 5. Be it further enacted, That this act take effect on and after the first day of May, 1899, and shall apply in its operations only to the county of Fayette, the public welfare requiring it.

Passed March 24, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Returned by the governor without his signature the bill having been in his hands more than five days

REAU E. FOLK,
Clerk House of Representatives.

April 6, 1899.

CHAPTER 150.

HOUSE BILL No. 586.

AN ACT providing that all appeals, appeals in the nature of a writ of error, and writs of error, to the supreme court hereafter taken from the judgment or decree of any court of record of the county of Fentress shall be heard by the supreme court at Nashville, Tennessee.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That all appeals, appeals in the nature of a writ of error, and writs of error, to the supreme court hereafter taken from the judgment or decree of any court of record of the county of Fentress, shall be heard by the supreme court at Nashville, Tennessee.

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with this act be, and the same are hereby, repealed, and that this act take effect from and after its passage, the public welfare requiring it.

Passed March 29, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 3, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 151.

HOUSE BILL No. 198.

AN ACT to exempt Dickson county from the fish law of 1895, and to define the manner of fishing in said county.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That it shall be lawful to catch fish in Dickson county in every way and at all times, except by the use of explosives and poisons and devices that prevent the easy passage of fish up and down the stream of said county; Provided, The mesh of all seines that are used shall not measure less than one and a half inches between threads or cords, except dip-nets or minnow seines, for catching minnows which are to be exclusively for bait, and any dip-net or minnow seine used for catching minnows shall not exceed six feet in length; Provided, That it shall be unlawful to fish in said county in any manner whatever from the 15th day of March to the 1st of June of each year hereafter.

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with this act be, and the same are hereby, repealed.

Sec. 3. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed March 29, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 3, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 152.

HOUSE BILL No. 85.

AN ACT to amend chapter 127 of the Acts of 1895 so as to exclude Lauderdale county from the provisions of said act.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That chapter 127 of the Acts of the general assembly of 1895 be so amended as to exclude Lauderdale county from the provisions of said act, and so that its provisions shall have no application to said county of Lauderdale.

Sec. 2. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed March 29, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 3, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 153.

SENATE BILL No. 316.

AN ACT to amend an act entitled "An act to incorporate the town of Newbern, in the county of Dyer, provide for the election of officers, and prescribe their duties," the same being chapter 224 of the published acts of the legislature of 1887, so as to authorize and empower the town of Newbern to establish and maintain a system of high grade public schools, and provide funds for same.

Be it enacted by the General Assembly of the State of Tennessee, That section three (3) of chapter

two hundred and twenty-four (224) of the published acts of the legislature of 1887 be, and the same is hereby, amended by the adding the following to said section:

May maintain
high grade
public schools;
board of
education.

Section 1. That the board of mayor and aldermen of said town of Newbern, Dyer county, Tennessee, shall be authorized and empowered by this amendatory act to establish and maintain a high grade public school or schools within the corporation of said town of Newbern, said school or schools to be run, operated, managed, and controlled by a board of nine members, to be known as the board of education, and said members of said board of education shall be resident citizens of said town, and three of them shall be selected from the board of mayor and aldermen of said town, one of whom shall be chosen at every regular election held at stated times by the said board of mayor and aldermen every two years on the first Thursday in April, as hereinafter provided.

First board;
term of office.

Sec. 2. That the present board of education, known as the consolidated board of education of Newbern, shall be and constitute the first board of education under this amendatory act for carrying on, managing, and controlling said high grade public school, or schools, and the terms of office of said members of this, the first board of education, shall be as follows, to wit: J. S. McCorkle, G. W. Grisham, and Q. Shumate shall serve as members of said board for two years from the first Thursday in April, 1899, A. A. Atkins, J. P. Harris, and Asa Dickey shall serve for four years from the first Thursday in April, 1899, and A. J. Crenshaw, R. W. Binkley, and N. L. Scoby shall serve for six years from the first Thursday in April, 1899, and at the termination or expiration of the term of office of each set of three members of said board of education above named, the board of mayor and aldermen of said town shall elect three members of said board of education to fill the places of those whose time expires, one of whom thus elected shall be a member of the board of mayor and aldermen; and continually thereafter on the first Thursday in April, at the end of every two years (biennially), the said board of mayor and aldermen of said town of Newbern shall elect three member

of said board of education, one of whom shall be elected from said board of mayor and aldermen, and all persons thus elected by said board of mayor and aldermen at said regular biennial elections on the first Thursday in April, shall serve as member of said board of education for a period of six years.

Sec. 3. That in the event that any member of said board of education may be defeated for re-election as a member of the board of mayor and aldermen of said town, he shall continue to serve as a member of said board of education until his term of office expires, as hereafter provided, and any and all vacancies occasioned by death, resignation, removal, refusal to serve on said board of education, or a vacancy caused in any way, shall be filled by the board of mayor and aldermen of Newbern, who shall select some resident citizen of said town to fill out the unexpired time of the member causing the vacancy in said board of education. Vacancies.

Sec. 4. That the board of mayor and aldermen of said town of Newbern, for the purpose of carrying into effect this amendatory act, may purchase and own real estate, buildings, and other property, or may buy and own town lots and erect thereon school buildings, or buy the lots and school buildings thereon, or may purchase any right, title, claim, or interest any party or parties may have in and to any property, buildings, realty, or personalty within the said town of Newbern, and any and all persons, board of trustees of a school, or directors of the twenty-seventh school district of Dyer county, may sell, transfer, and convey, by a good and valid deed, any right, title, claim, or interest in or to any property, real or mixed, and the improvements thereon, in the corporation of said town of Newbern, to the said town of Newbern, to be used for the benefit of said high grade public school or schools. May acquire property.

Sec. 5. That the said board of education herein provided for shall meet on the first Thursday in April, 1899, or as soon thereafter as the board of mayor and aldermen of the said town of Newbern have decided by an ordinance or ordinances to effect, to establish and maintain a system of high public schools for said town according to the Organization.

provisions of this amendatory act, and then and there organize by electing one of their members president, one secretary, and one treasurer of the said board of education, and when thus organized, said board of education shall have entire control and management of said system of high grade public schools in said town, and shall select, employ, and enter into written contracts with all teachers in said schools, and shall also elect a town or city superintendent of the said system of high grade public schools, whose duties, power, and authority shall be the same with reference to said high grade public schools as those of the county superintendent with reference to the schools of the county as now provided by law; and said board of education shall be further empowered and authorized to elect any other such officers and agents as may be necessary to carry on and successfully manage and control said public school or schools in said town.

School funds to
be paid treas-
urer.

Sec. 6. That in order to inaugurate, operate, and sustain such system of schools as are provided for herein, within the corporation of said town, the county trustee of Dyer county is hereby directed to pay over to the treasurer of said town of Newbern all school funds collected from any and all sources on personal or real property, privileges, or polls, within the corporate limits of said town of Newbern, and the said trustee is hereby further required to pay over to the said treasurer of the said town of Newbern the pro rata amount (according to the scholastic population of said town) of the common or public school funds coming into his hands from the State of Tennessee.

Fund from
privileges.

Sec. 7. That the clerk of the county court of Dyer county shall report to the said trustee of said county the amount collected by him, the said county court clerk, from merchants and on privileges within the corporation of said town of Newbern for school purposes, and any and all such amounts so collected said county court clerk shall be turned over by him to said trustee of said county, and to be placed to his (said trustee) as a credit on the account of said high grade public schools of Newbern, and at the proper time said funds must be paid over by said trustee to the treasurer of said town of Newbern

be used with the other school funds in maintaining said high grade public schools in said town.

Sec. 8. That the board of mayor and aldermen of said town of Newbern is hereby authorized to levy and collect a city or town tax for school purposes to the full extent allowed under the constitution and laws of the State of Tennessee, to be applied with the other school funds herein provided for in establishing and maintaining said town and city public schools.

Tax may be levied.

Sec. 9. That said board of education herein provided for shall so manage and conduct said high grade public schools in said town as not to incur any greater expense or liability in one year than the full amount of all the school funds derived from the various sources provided for by this amendatory act for that year, and the town of Newbern shall be liable for no greater amount and shall not, in any event, be bound for any greater sum of money than that derived from the entire amount of school funds realized from all the sources hereinbefore stated, in order to run said public schools for any current year.

Not to incur expense greater than income.

Sec. 10. That said board of education shall give orders for all amounts of money to be paid out for any and all purposes in conducting said public schools to the treasurer of said town of Newbern or of the board of mayor and aldermen of said town, whose duty it shall be to pay off all such orders when properly signed by the president and secretary of said board of education, out of any funds in his hands as such officer to the credit of said high grade public schools of said town of Newbern.

Treasurer pays on order of board of education..

Sec. 11. That all pupils within free school age, as now fixed by law, who reside within the corporation of Newbern with their parents, guardians, or persons having legal charge or control of them, and who are studying the free school branches embraced in the list

Pupils, who may be.

studies for a secondary or primary school as now provided by law, shall be permitted to attend said high grade public schools in said town, free of charge, and all other pupils or persons wishing to attend said public schools may be allowed to do so upon such reasonable and proper rules and regulations as the board of education shall from time to time adopt for the best interest of said public schools.

Sec. 12. That all laws and parts of laws in conflict with this amendatory act are hereby repealed, and this amendatory act shall take effect from and after its passage, the public welfare requiring it.

Passed March 22, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved March 27, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 154.

SENATE BILL No. 425.

AN ACT to abolish the nineteenth judicial circuit of the State of Tennessee, and to repeal an act passed September 18, 1891, and approved September 19, 1891, entitled "An act to amend chapter 20 of the Acts of Extra Session 1885, passed June 11, 1885, and approved June 12, 1885, and to amend chapter 140, Acts of First Session 1891, to create a new judicial circuit to be composed of the counties of Cheatham, Williamson, Hickman, and Dickson, and to be called the nineteenth judicial circuit of the State of Tennessee, and to provide for the holding of courts and administering of justice in said circuit, and to detach the counties of Cheatham and Williamson from the seventh judicial circuit, the counties of Hickman and Dickson from the ninth and tenth judicial circuits respectively, and place them in said nineteenth judicial circuit."

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the nineteenth judicial circuit of the state, composed of the counties of Hickman, Dickson, Cheatham, and Williamson be, and the same is hereby, abolished.

Sec. 2. Be it further enacted, That chapter 20,

Acts of 1891 Extra Session, entitled "An act to amend chapter 20 of the Acts of Extra Session 1885, passed June 11, 1885, and approved June 12, 1885, and to amend chapter 140, Acts of First Session 1891, to create a new judicial circuit to be composed of the counties of Cheatham, Williamson, Hickman, and Dickson, and to be called the nineteenth judicial circuit of the State of Tennessee, and to provide for the holding of courts and administering of justice in said circuit, and to detach the counties of Cheatham and Williamson from the seventh judicial circuit, the counties of Hickman and Dickson from the ninth and tenth judicial circuits respectively, and place them in the said nineteenth judicial circuit" be, and the same is hereby, repealed.

Sec. 3. Be it further enacted, That this act take effect thirty days after the final adjournment of the present general assembly, the public welfare requiring it.

Passed April 4, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved April 6, 1899.

BENTON McMILLIN,
Governor.

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new incorporation.

Sec. 2. Be it further enacted, That said town of Troy, and the inhabitants thereof, are hereby constituted a body politic and corporate by the name and style of "The Town of Troy," and shall have perpetual succession; that by said corporate name and style it may sue and be sued, may contract and be contracted with, may grant, convey, receive, purchase, and hold real, mixed, and personal property, and may dispose of same for the benefit of said new incorporation; and, if desired, may have and use a corporate seal, which may be altered at pleasure; that the boundaries of said town hereby incorporated be, and the same are, as follows, to wit: Beginning at a stake about (5) five feet south of the southwest corner of J. G. Smith's wood house, runs thence in an eastern direction (160) one hundred and sixty poles to the southeast corner of the public bridge that spans Davidson creek (sometimes called "Town Creek"), runs thence in a northern direction (17) seventeen poles to the northwest corner of T. R. Robin's front yard as it is now fenced, runs thence in a southeastern direction (52) fifty-two poles to a stake the southeast corner of Sanford Hank's garden, runs thence in a southern direction (140) one hundred and forty poles to a stake in the E. S. Walton Smith place now owned by J. R. Moffatt, runs thence in a western direction (238) two hundred and thirty-eight poles to a stake directly south of, and about (15) fifteen feet from the house occupied in their lifetime by Joseph Moffatt and family, colored (said house and stake being on the lands of the widow and children of Doctor Walter Brice, deceased), runs thence in a northwestern direction (46) forty-six poles to a peach tree about (75) seventy-five feet southwest of the southwest corner of the "Mike Bright" old residence in the forks of the public road, runs thence in a northern direction (154) one hundred and fifty-four poles to the beginning.

Name and
style; bounda-
ries.

Sec. 3. Be it further enacted, That the assets of every nature belonging to the old incorporation shall be the property of the incorporation by this act created, viz: "The Town of Troy," and that all just liabilities owing by said old incorporation shall be

the office of aldermen, and in case it should ever happen that at the same time there should exist a vacancy in the office of mayor, and also a vacancy in the offices of as many as or more than (5) five aldermen, then, in that event, the recorder shall have full authority to appoint a mayor, or if at the same time there be no recorder, then the marshal shall have full authority to appoint a mayor; and if it should ever happen that at the same time all of the said offices of mayor, aldermen, recorder, and marshal should become vacant, then, and only in such event, shall a special election be held (in the same manner and way as prescribed for general elections herein) to elect officers for said incorporation; and any person appointed to fill a vacancy in office shall be subject to the same conditions already prescribed herein as to qualifications, oath, and bond, and shall also hold office until his successor in office is elected and qualified.

Sec. 5. Be it further enacted, That any person who has the qualifications of an officer as set out in section (4) of this act, and who shall furnish to the judges of the election satisfactory evidence after the manner now required by law, that he has paid the state and county poll tax, and also the municipal or corporation poll tax, assessed against him for the year next preceding the election, shall have all of the qualifications necessary to entitle him to vote in elections for officers of said incorporation, and only such as meet all the above requirements shall be entitled to so vote; Provided, If any voter has been wrongfully assessed for either state and county poll tax or corporation poll tax, or for both, the above requirement as to poll tax shall not apply to him; And also provided, That nonresidents of said incorporation who are qualified to vote for members of the general assembly of the State of Tennessee in any county within the same, and who shall furnish to the judges of the election satisfactory evidence, after the manner now required by law, that they have paid the state and county poll tax (in the county in which they are qualified to vote for members of the general assembly) assessed against them for the year next preceding

Electors, qualifications of.

be no mayor elect, shall be held by said officer until a mayor is elected or appointed, and then be delivered by said officer; the board of mayor and aldermen may have prepared, printed, and distributed abundantly the tickets to be used in said elections; Provided, Such tickets shall meet all the requirements of the law, not only as to width, length, and character of paper, but also as to all other respects; and this act shall not be construed as a protection to any one for distributing or offering to the voters or any one else an unlawful ticket. Nothing herein appearing shall be construed as materially conflicting with the general election laws of the State of Tennessee applicable to municipalities of the size of "The Town of Troy."

Sec. 7. Be it further enacted, That in the event the sheriff, in person or by deputy, shall fail to hold any of said general elections as already prescribed by this act, he shall hold same as soon thereafter as possible, after giving the required notices of said election; and for his failure to hold any of said elections as prescribed by this act, he shall be liable and amenable to the law, both civil and criminal, as it now exists for a nonperformance of duty. And if there be no sheriff, the coroner of Obion county shall hold said elections as prescribed by this act, and shall be fully empowered to discharge and perform the duties prescribed by this act for the sheriff or deputy holding said elections.

Failure of
sheriff to hold
elections, cor-
oner to act.

Sec. 8. Be it further enacted, That the board of mayor and aldermen of "The Town of Troy" are by this act fully, amply, completely, and effectually authorized and empowered—

Powers.

1. To fix the compensation of all the officers and agents of said incorporation.

2. To declare what constitutes or is a nuisance, and prevent or remove the same.

. To appropriate money, and to provide for the running expenses and the debts and liabilities of said incorporation.

. To license and tax all privileges taxable by the of the state.

To tax, regulate, or prohibit, or suppress theatricals, and all other shows and exhibitions.

to such workhouse for such violation, and amply to provide for the management and control of said workhouse as well as the manner and character of the work to be done in same, or elsewhere, as above stated.

13. To regulate, or prohibit and prevent the running at large, either on the public square or on the streets of the town, any animals, dogs, or hogs (either singular or plural in number).

14. To as a protection, or in the nature of a protection from fire, designate the character of houses that may hereafter be built on the public square in said town, and to control and regulate the conditions under which they may be built, and to require any party, before erecting any building on the public square, to obtain written permission from a building committee.

15. To pass all ordinances and by-laws necessary for, or in any degree conducive to, the comfort, convenience, health, happiness, peace, prosperity, safety, or welfare of said town and incorporation, or the good order or good management of said incorporation, or for the suppression, prevention, or prohibition of any and all acts and things in violation of or made criminal by the laws of the state, and amply and effectually to provide a punishment for the breach or violation of any of said ordinances or by-laws.

16. To condemn, and take, and use, and appropriate for the benefit of said incorporation any ground or grounds necessary to widen or extend its streets, avenues, alleys, walks, or pavements, by paying to the owner of said ground or grounds the actual and immediate damages resulting therefrom, after taking into consideration the benefits resulting from said improvement or improvements.

17. To tax and regulate the sale of ale, beer, malt liquors, and any and all intoxicants of any nature.

18. To keep up the streets, alleys, sidewalks, and pavements of said town, and to fix the grade of same; to open up any street or alley which has been closed, or should have been opened up; to open up, abolish, widen, or extend streets or alleys, and to pass all ordinances necessary or auxiliary to the exercise of the above authority; to amply and effectually pass

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25. To create, if in their judgment necessary, new offices, and fill same by appointment, or they may be filled by election like the other offices of said incorporation; the same conditions as to qualifications, oath, and bond, as heretofore prescribed, applying to new officers.

26. To define and prescribe the duties of any of the officers of said incorporation, and to add to and enlarge said duties, in addition to those prescribed by this act, but not to take from or lessen said duties as by this act prescribed.

27. To determine its own rules of procedure, and its times and places of meetings, both general and special (unless prescribed by this act).

28. To provide for contests of election, and to prescribe the mode and manner of such contests.

29. To prevent, prohibit, and punish the abuse or ill treatment of an animal within the corporate limits, and also to prevent and punish horse racing, fast riding and fast driving, either within the corporate limits or within one mile beyond the corporate limits.

30. To levy and have assessed and have collected taxes upon all property, personal and real, and upon all polls, within the corporate limits of "The Town of Troy," taxable under the laws of the State of Tennessee, the poll tax not to exceed \$2, and the rate of taxation upon every (\$100) one hundred dollars worth of taxable property may be as much as, but shall not exceed (\$1) one dollar; but lands used only for farming purposes within the boundaries of said incorporation may be levied and assessed at a less rate than other real estate within said incorporation, but this provision shall be construed as discretionary and not compulsory.

1. To pass all ordinances and by-laws not in conflict with the constitutions of Tennessee and the United States, that may be necessary or auxiliary to execution and carrying out of the full intent and meaning of this act, and to the accomplishment of the objects of this incorporation.

c. 9. Be it further enacted, That no ordinance or law shall become a law until it shall have been

be required to be the same as that now prescribed by law for enforcing liens on real estate for delinquent state and county taxes.

Sec. 10. Be it further enacted, That all municipal taxes on real estate in the "Town of Troy" be, and are hereby, declared a lien respectively on said real estate from the 10th day of January of each year (for which same are assessed or should be assessed) for a period of six years, provided the municipal taxes for the year 1899 be, and are hereby, declared a lien respectively on said real estate from the passage of this act for a period of six years; and all interest, penalties, and costs accruing and attaching on delinquent taxes on real estate for state and county taxes shall likewise accrue and attach on delinquent municipal taxes on real estate, and shall also be a lien on said real estate for a period of six years from the time they accrue and attach; said liens to be superior to all other liens except that for state and county taxes, with which it shall be co-ordinate, and no sale or transfer of, or litigation as to, said real estate shall affect said liens or the enforcement of same, and same shall only be discharged by payment; no assessment of taxes shall be invalid because assessed to unknown owners, or because the amount of the valuation, or the amount of the taxes, is not correctly given, nor on account of any informality of any nature, and each and all the provisions of this section shall exist and stand as the law by virtue of this act, and need not be incorporated into any ordinance or by-law of "The Town of Troy" to give same force and effect.

Lien for taxes;
assessment of
taxes.

Sec. 11. Be it further enacted, That it shall be the duty of the mayor to examine carefully all ordinances and by-laws passed before affixing his signature thereto; that the mayor shall preside at all meetings of the board of mayor and aldermen, and in the mayor's absence the aldermen, provided (5) five of them be present, may elect of their number a temporary mayor, and such temporary mayor shall in each and every respect have the same power, authority, and rights given the mayor by this act to preside and sign the minutes and ordinances passed on any reading on that particular occasion for which he is temporarily elected. The mayor shall be en-

Mayor's duties;
increase police;
jurisdiction.

mayor, and the recorder shall collect all privilege taxes, and is hereby vested with the same authority to enforce the collection of same as the law of the state confers upon county court clerks; and by virtue of his office the recorder is made tax assessor for "The Town of Troy," and shall assess all taxes by the (1st) first day of June of each year, and sooner than this if desired by the board of mayor and aldermen; and the recorder as tax assessor shall, in each and every respect, have the same authority, power, remedies, and rights as the law of the state confers upon and vests in tax assessors of state and county taxes in assessing taxes; and when his assessment or assessments shall have been certified to, he shall turn same over to the marshal (who by virtue of his office is tax collector, as herein later on appears). When the mayor is absent from any cause whatever, or is sick, or is incompetent, the recorder, as a court of "The Town of Troy," is hereby vested with in all respects the same authority, power, remedies, and rights as are conferred upon and vested in the mayor as a court by this act.

Sec. 13. Be it further enacted, That the marshal shall have full police authority, and may make arrests without warrant in hand, within the boundaries of said incorporation, and within one mile beyond the limits of said incorporation, but after such arrests, and without delay, a warrant shall be obtained and sworn to by the marshal, or some one else. And with a warrant in hand the marshal may make arrests anywhere in Obion county for a violation of any ordinance or by-law of said incorporation; and the marshal, as an officer of the mayor's or recorder's court, may serve process issued from either of said courts, may make a levy on property within Obion county (personal or real property) by virtue of an execution issued from either of said courts; may attach and garnishee; and shall in all respects, as an officer of the mayor's court and recorder's court, have the same authority, power, and rights as the law of the state now confers upon and vests in constables; and shall be entitled to the same fees, costs, and compensation as an officer that the law of the state now allows to constables for similar services. It is by this act made

Marshal, powers and duties; is tax collector.

empowered to execute deeds to real estate to purchasers at any sales of real estate within the boundaries of said incorporation for delinquent taxes (on real estate), and for interest, costs and penalties thereon, due "The Town of Troy," the date of sale and mode and manner in other respects of enforcing the lien on real estate created by this act, for delinquent taxes thereon, to be provided and fixed by the board of mayor and aldermen, by ordinance, by virtue of the authority and power vested in and conferred upon them by this act; but nothing contained in this act shall be construed as interfering with or prohibiting the equity of redemption in real estate so sold, and the same equity of redemption shall exist as the law of the state now provides.

Sec. 14. Be it further enacted, That this act is declared to be a public act, and that it may be received and read in evidence in all courts and places; and the proceedings of the board of mayor and aldermen may be proved by the certificate of the recorder, under the seal of "The Town of Troy," if there be a seal, and if no seal, the recorder's certificate alone shall be sufficient. Printed or written copies of the ordinances and by-laws of said incorporation, either purporting or proved to have been written or printed under the authority thereof, or proved to be commonly admitted as evidence of the existing ordinances or by-laws of said incorporation, in the mayor's and recorder's court shall be admitted in all the courts of the state as presumptive evidence of said ordinances and by-laws.

This a public act.

Sec. 15. Be it further enacted, That all laws or acts, or parts of laws or acts inconsistent or in conflict with this act be, and the same are hereby, repealed.

Sec. 16. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

passed March 23, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

passed April 3, 1899.

BENTON McMILLIN,
Governor.

SEN

AN ACT to authorize the issue of coupon bonds providing a city with a water supply, and the purchase of the equipment and, as an incident, the construction by said city of a water supply on said property and the obligations.

nds;
re-
in.
Section 1. Be it enacted by the Senate and House of Representatives of the State of Tennessee, that the Mayor of the City of Nashville is hereby authorized to issue bonds of such amount, of such denomination, and bearing such interest, not to exceed ten per cent. per annum, as the Board of Finance may determine, for the purpose of providing for the construction of a city hall building, and the erection or completion of a building in said city. Provided, That the bonds may be issued for such term, not to exceed ten years, as the Board of Finance may determine, and may stipulate for the payment of the principal of the bonds at the expiration of the term of the bonds, and the terms to be provided for in the bonds.

Sec. 2. Be it enacted, that the bonds issued under the authority of this act shall be payable to the order of the City of Nashville, and there shall be attached to each installment of principal of the bonds a coupon for the interest thereon, and the coupons shall be payable to the order of the City of Nashville.

the proper dates, and said bonds shall be numbered serially, and each coupon shall also bear the number of the bond to which it is attached.

Sec. 3. Be it further enacted, That said bonds shall recite on their face that they are issued under the authority of this act and the same before issuance shall be signed by the mayor, countersigned by the recorder, who shall affix thereto the corporate seal of said municipality; but the coupons shall be signed by the recorder only, without application of the corporate seal.

What to recite;
signature.

Sec. 4. Be it further enacted, That before said bonds, or any part or parts thereof, shall be issued, the board of mayor and aldermen shall cause an election to be held in said town of Johnson City for the purpose of submitting the question to the voters of said town, to ascertain whether or not they are in favor of issuing said bonds, or any specific portion thereof, and at least thirty days notice shall be given by printed posters of the time, place or places, of said election, in which posters it shall be stated what is the purpose of said election, the amount of the then proposed issue of bonds, the maturity of said bonds, and the rate of interest payable thereon; and if a majority of the votes cast at said election, voting as required by law and this act, shall favor the issuing of said bonds, then the board of mayor and aldermen shall issue same in accordance with the provisions of this act. Those voters in favor of issuing said bonds, as proposed, shall have on their tickets or ballots the words, "For Bonds," and those opposed "Against Bonds." It is expressly stipulated that the issuance of any portion of said \$10,000.00 of bonds shall not exhaust the power and authority conferred by this act, but the town of Johnson City may, thereafter, under and in pursuance of this act, issue other or other bonds within the limit of \$10,000.00 as aforesaid, provided said additional issue is approved by voters of the town as aforesaid.

Election,
notice of;
ballots.

Sec. 5. Be it further enacted, That the town of Johnson City is further authorized to levy and collect a special tax sufficient for the payment of the interest coupons on said bonds, thus issued, as they mature, and to create a sinking fund with which to

Interest and
sinking fund
tax.

Sec. 2. Be it further enacted, That all laws and parts of laws, in conflict with this act, be, and the same are hereby, repealed.

Sec. 3. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 3, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 7, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 160.

HOUSE BILL No. 279.

AN ACT to authorize Grundy county to issue bonds to the amount of \$4,000.00 for the erection of a county jail.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the county of Grundy, by and through its quarterly county court, be, and is hereby, authorized and empowered to issue the bonds of the county to an amount not exceeding four thousand dollars (\$4,000.00) payable in lawful money of the United States of America, to bear interest at a rate not exceeding six per cent. per annum, and said interest payable in lawful money of the United States of America, and to run not exceeding twenty (20) years, the proceeds of such bonds to be used to pay for the erection of a county jail for said county, at Altamont, Tennessee.

May issue jail
bonds; interest

Sec. 2. Be it further enacted, That said bonds shall be signed by the chairman or judge of the county court of said county and countersigned by the clerk of said county court with his official seal attached to the same, shall be an amount in the aggregate

Bonds signed;
denomination;
numbered.

gate not to exceed four thousand upon and determined by said court amount of bonds, when fixed by said court, shall be issued exceeding five hundred dollars run for such time not exceeding as may be decided on by said court be numbered consecutively in sequence, beginning with one.

Sec. 3. Be it further enacted bonds shall have attached to it indicating the amount of each semi-annual interest on said bonds according fixed by said court, not exceeding annum, and when the same coupons shall be signed in the same but without the official seal of the court on their face the number of the coupons are attached.

Sec. 4. Be it further enacted the duty of the county court of to levy a tax on the taxable personal, and privileges of said county of paying the annual interest on the purpose of creating a sinking fund bonds when due, and the trustee collect and account for said tax the same compensation he is allowed in collecting the county tax.

Sec. 5. Be it further enacted bonds shall not be sold for less than their face value.

Sec. 6. Be it further enacted the clerk or judge of the county court shall cause to be made a well bound book by him, to be denominated the bond book in which the numbers of the bonds of issuance, the amount and where they are deposited.

Said bond book shall be so arranged that when bonds and coupons are paid and the same may be preserved by pasting them in the book. And it shall be the duty of said clerk after settlement with the trustee to take charge of said bonds and coupons.

same to be pasted in said book, and to preserve said book as a record of his office.

Sec. 7. Be it further enacted, That all acts and parts of acts in conflict with this, be, and the same are hereby, repealed; and that this act take effect from and after its passage, the public welfare requiring it.

Passed April 4, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 7, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 161.

HOUSE BILL No. 106.

AN ACT to prohibit illegal sales of intoxicating liquors, and more effectively provide for the collecting of taxes, fine, and cost.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That any person or persons selling or aiding in selling in any way whatever, intoxicating liquors, without a license required by law, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than fifty dollars, nor more than two hundred dollars, and imprisonment in the county jail or workhouse for a period of six months, for each and every offense.

Sec. 2. Be it further enacted, That any person persons allowing the illegal sales of intoxicating uors, in or upon their premises, or lands, without person making such sale having a license, required by law, after due notice of such sale or sales, ll be guilty of a misdemeanor, and upon conviction, shall be punished by a fine of not less than fifty rs, nor more than two hundred dollars, and im-

noon to midnight of each Saturday which is not a holiday, is made a half holiday, on which holidays and half holidays all the public offices of this state may be closed and business of every character, at the option of the parties in interest, or managing the same, may be suspended.

Sec. 2. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 18, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 24, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 163.

HOUSE BILL No. 613.

AN ACT to create and establish four (4) civil districts in the county of Rhea in lieu of the fourteen districts as therein now existing, and to define the boundaries of the same.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That there are hereby created and established for and within the county of Rhea, in this state, and in lieu of the fourteen civil districts therein, as now laid out, four civil districts

Sec. 2. Be it further enacted, That the boundaries of said civil districts shall be as follows: First, beginning at the mouth of Piney river and running the meanders of the same to the forks of Piney r, in the Shutin gap; then with the north prong Piney to Dunlap or Stinging fork; and then with

CHAPTER 164.

SENATE BILL No. 321.

AN ACT to appropriate the sum of eight hundred and twelve (\$812.50) dollars and fifty cents to Sam N. Warren, as compensation for his services as live stock member on the state board of health.

Whereas, Sam N. Warren resigned his position as assistant commissioner of agriculture, at a salary of \$125 per month, at the request of the governor and the state board of health, in order that he might actively supervise the enforcement of the state and federal cattle quarantine regulations, he being a member of the state board of health; and,

Whereas, Under the technical construction applicable to the state board of health, no compensation has been, or could be paid him for his service, from September 15, 1898; and,

Whereas, His services to the state have been such as to merit a fair compensation from the state; therefore,

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the sum of one hundred and twenty-five (\$125.00) dollars per month, from September 15, 1898, to April 1, 1899, be, and is hereby, appropriated out of the state treasury to Sam N. Warren, for said services, and the comptroller hereby instructed to draw his warrant on the treasury in favor of Sam N. Warren, for said amount; provided, That no warrant shall be drawn for the month of March, 1899, before April 1, 1899; and, provided further, That these amounts shall be in lieu of all other compensation to the said Sam N. Warren, for such services during said period of time.

Sec. 2. Be it further enacted, That this act take

Sec. 2. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 6, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved April 7, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 166.

SENATE BILL No. 151.

AN ACT to amend chapter 167 of the Acts of 1883, and chapter 1 of the Acts of 1891, and chapter 10 of the acts of extraordinary session of 1898, so as to provide for the expenditure of the turnpike, highway and bridge taxes collected in suburban districts annexed to any taxing district organized under the act of January 29, 1879.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the act passed March 23, 1883, providing for the construction and repair of turnpikes and roads, and the act of February 4, 1898, amending said act of March 23, 1883, and chapter 1 of the Acts of 1891, to regulate the laying out and working of public roads, be, and the same are hereby, amended so as to provide that where any suburban district or territory lying contiguous or adjacent to any taxing district organized under the act of January 29, 1879, and having a population of 60,000 over, under the federal census of 1890, or any subsequent federal census, has been heretofore annexed brought within the corporate limits or boundaries of such taxing districts, by an act of the legislature, of the turnpike, highway and bridge taxes heretofore collected in such annexed territory and unex-

present general assembly, the public welfare requiring it.

Passed April 4, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved April 6, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 169.

HOUSE BILL No. 351.

AN ACT to regulate liability of a retiring partner
and notice of same.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That a retiring member, upon dissolution of a partnership, shall not be liable for any debts of said firm contracted after his retirement, provided he shall give notice, by publication, for at least once a week for four consecutive weeks, in a newspaper in the county in which said partnership existed at the time of the retirement and dissolution. If there is no newspaper published in said county, then publication shall be made in some newspaper published in the nearest county.

Sec. 2. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 4, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

roved April 7, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 171. .

HOUSE BILL No. 423.

AN ACT to change the line between the counties of
Carter and Washington.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the line between the counties of Carter and Washington, be, and the same is so changed as to follow the boundary line of the farm of H. B. Huston, in the 13th civil district of Carter county, so as to include the whole of said farm in Carter county. Beginning at a stake on the county line, where H. B. Huston's line crosses the same; thence south 59 degrees east 37 1-2 poles to a stake; thence north 52 1-2 degrees east 16 1-2 poles to a stake; thence south 8 1-2 degrees west 40 poles to a stake; thence south 29 degrees west 22 poles to a stake; thence south 48 degrees west 15 poles to a stake; thence south 2 degrees west 33 1-2 poles, south 85 degrees east 5 poles to a stake; thence south 15 1-2 degrees west 28 poles and 10 links to a stake, south 26 1-2 degrees west 26 1-2 poles to a stake; thence north 86 degrees west 46 poles to the county line.

Sec. 2. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 4, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

proved April 7, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 17

SENATE BILL No.

AN ACT to repeal an act passed approved March 13, 1897, being "Acts of 1897," entitled "An Act to amend Section 2707 of the Code of Tennessee of 1895, relating to usury, providing that a person sued for an excess over legal interest by the amount of the usury."

Section 1. Be it enacted by the Senate and House of Representatives of the State of Tennessee, That the Act of 1897, amending the Code of Tennessee, relating to usury, is, repealed.

Sec. 2. Be it further enacted, That the Act of 1897, be in full effect from and after its passage requiring it.

Passed April 6, 1899.

SEID
Speaker

JOSEPH
Speaker of the House of Representatives

Approved April 7, 1899.

BENTON

CHAPTER 173.

SENATE BILL No. 204.

AN ACT to repeal sections 1781, 1782, 1783, 1784, 1785, 1786, 1787, 1788 and 1789 of the "Code of Tennessee" (enacted in the year 1858), said sections being on the subject of champerty and maintenance, and being sections 3176 to 3184, inclusive, of Shannon's compilation of the statutes of Tennessee.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That sections 1781, 1782, 1783, 1784, 1785, 1786, 1787, 1788 and 1789 of the Code of Tennessee (enacted in the year 1858), said sections being on the subject of champerty and maintenance, and being sections 3176 to 3184, inclusive, of Shannon's compilation of the statutes of Tennessee, be, and hereby are, repealed.

Sec. 2. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 6, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved April 7, 1899.

BENTON McMILLIN,
Governor.

the old corporation line near Mollie B. Nolan's fence; thence north 35 poles to a chestnut; thence east 154 poles to a black oak with black oak and post oak pointers; thence south 136 poles to the beginning.

Sec. 4. Be it further enacted, That all the real and personal property belonging to the town of Waverly, or to the board of mayor and aldermen of said town, the charter of which is hereby repealed, shall hereafter belong to the corporation hereby created "The City of Waverly," and that the taxes levied for the year 1898, by said town of Waverly, and which have not been paid, are the property of the corporation of the "City of Waverly," and that it may enforce the collection thereof in the manner and way prescribed by law.

Property
vested in new
corporation.

Sec. 5. Be it further enacted, That the first general election for mayor, aldermen and recorder and other officers under this act, shall be held in said town of Waverly, on the second Wednesday in June, 1899. Said election shall be opened and held in the same way, and by the same authority as all general elections in the State of Tennessee, and shall be governed by the same laws governing the elections in this state for state and county officers. Any person who is a qualified voter for members of the general assembly, under the laws in Tennessee, in Humphreys county, and who shall have been a resident of said town for thirty days immediately preceding said election, shall be entitled to a vote in said election, and shall have his vote counted as cast; nonresidents having a bona fide taxable freehold in said town, and who are qualified voters for members of the general assembly at some place in Tennessee, shall also be entitled to vote. Any qualified voter may vote for one candidate for mayor, six candidates for aldermen and one candidate for recorder, and other officers as hereinafter provided. The person holding said election shall, at , make out two certified copies of the result of election, showing the names of all candidates d for, what office they were voted for, and the ber of votes received by each. One copy they deliver and deposit with the county court clerk lumphreys county, and the other they shall de- to the party receiving the highest number of

Election for
officers; elec-
tors, qualifica-
tions of; certi-
ficates of elec-
tion.

board of mayor and aldermen organized under the provisions of this act.

Sec. 6. Be it further enacted, That the mayor, aldermen, recorder and marshal, before entering upon the discharge of their duties, shall each take and subscribe to an oath, "That they will honestly and faithfully discharge the duties of their offices, without partiality or favor, and that they will actively assist in keeping order in said town and in bringing violators of its ordinances to a speedy hearing or trial." Oath of office.

Sec. 7. Be it further enacted, That said mayor and board of aldermen shall, on the first Monday in July after their election, organize, and shall hold their offices as herein provided, and until their successors in office shall have been elected and qualified. Any vacancy, either of aldermen, recorder or marshal, whether by resignation, death or otherwise, shall be filled by the remaining members of the board of aldermen, until the next annual election for officers of said corporation. Organization; vacancy.

Sec. 8. Be it further enacted, That at the first election held hereunder, as provided in section 5 of this act, the officers, as stated in said section, shall be elected and hold for the time there stated, and that one year later an election shall be held to elect the successors to three aldermen whose terms expire, and to fill any vacancy as hereinbefore or hereinafter provided, said aldermen so elected to hold their offices for two years, and the term of all said aldermen shall be for two years, after the first year as provided in section 5 of this act, and the term of the mayor and recorder shall be two years. The qualification for voting in said city after the first election, as hereinbefore set out, shall be the same as provided in section 5 of this act, except each voter must have been a resident of said city for six months immediately preceding said election, and a qualified voter at said place, members of the general assembly of Tennessee, nonresident having a bona fide taxable interest in real estate in said city, and a qualified voter for members of the general assembly at some place in Tennessee; Terms of office; electors, qualifications of. Provided further, That said board of mayor and aldermen shall elect, annually, a marshal for said town, whose term of office shall not be for Marshal elected by board.

more than one year,
vacant, at the pleasure
elected in his place.

Sec. 9. Be it further
shall be held annually
three aldermen, and
the purpose of election
to three aldermen
than two aldermen in
said city, and all elections
at or near the courthouse
of all said elections
law in the State of Tennessee.

Sec. 10. Be it further
rate authorities of said
of, and be vested in
and such other officers
may be elected, or appointed
legislative powers of
in and exercised by said
The board of mayor
of a mayor and six aldermen
hereinbefore provided
dermen of the said city
powers delegated to
1915 (and subsections
of the code or compilation
compiled by R. T. F
powers, shall have the
or to be so delegated.

Sec. 11. Be it further
mayor and aldermen
by ordinance:

1. To levy and collect
polls and privileges,
herein incorporated),

2. To appropriate
ment of the debts and

3. To establish a
late the same, so as to

4. To make regulations
health, quiet, peace and
clear and remove no

tain quarantine regulations, not to exceed two miles outside the city limits, as occasion may require.

5. To provide the city with water, by contracts, waterworks within or beyond the city limits, or provide for supplying the city with water otherwise, and to provide for the prevention and extinction of fires, and to organize, establish and maintain fire companies.

6. To make appropriations to open, alter, abolish, widen, establish, grade, pave, or otherwise improve, clean and keep in repair streets, alleys and sidewalks, or to have same done, and to erect, establish and keep in repair bridges, culverts, sewers and gutters, and to make appropriations for lighting the streets, and for the erection of all buildings necessary for the use of the city.

7. To license, tax, and regulate hacks, hackney carriages, carts, omnibuses, dummies, wagons, and drays, and fix the rate to be charged for the carriage of persons and property within the city, and to the public works, parks, and property of the city.

8. To license, tax, regulate, and suppress theatrical and other exhibitions, shows, and amusements.

9. To regulate or prohibit and suppress all gambling houses, bawdy houses, houses of ill fame, obscene pictures, and literature.

10. To regulate, restrain, or prevent the carrying on of manufactories dangerous in causing or producing fires, and to prevent and suppress the sale of firearms, fireworks, Roman candles, crackers, sky rockets, etc., and toy pistols, and the carrying of concealed weapons.

11. To regulate the storage of gunpowder, tar, pitch, resin, saltpetre, gun cotton, coal oil, and all other combustible, explosive, and inflammable material, and the use of lights, candles, lamps, and steam pipes in all stables, shops, and other places, and to suppress the sale and use of fireworks in said city.

12. To provide for the weighing or measuring of coal, coke, gas, hay, corn, oats, and livestock used, coal, coke, gas, hay, corn, oats, and live stock used, sold, or consumed for food in said city.

13. To provide for and regulate the inspection of beef, pork, fish, fowls, and all meats to be sold in the city for food.

amount so paid shall be a lien upon such abutting lot or property, and may be enforced by attachment in law or equity, or the amount may be recovered against said owner or owners by suit before any court of competent jurisdiction; and to compel the owners of buildings to erect fire escapes when necessary for the safety of the occupants.

23. To grant the right of way through the streets, avenues, and public property of said city for the purpose of street and other railroads, and for such other purposes as the board of mayor and aldermen may provide by ordinance; Provided, That the board of mayor and aldermen shall not grant the exclusive right to any one person, firm, or corporation; Provided further, That no franchise or right in relation to any highway, avenue, street, lane, or alley either on, above, or below the surface of the same, shall be granted to any person or corporation for a longer period than twenty-five years, but such grant may, at the option of the city, provide for giving to the grantee the right on a fair revaluation, including in such revaluation the value derived from said franchise or right, to renewals not exceeding in the aggregate twenty-five years, and that every franchise so granted shall be granted on condition that the grantee shall not destroy nor injure the private property of citizens, nor destroy or damage the shade trees in the city, nor endanger the safety or the lives of the people on the streets and alleys of said city.

24. To take and appropriate grounds for the widening of streets, avenues, alleys, squares, parks, and promenades, when the public convenience requires it, under the provisions of sections 1857 and 1981 to 1984, inclusive, of the Code of Tennessee or compilation of laws of Tennessee compiled by R. T. Shannon.

25. To regulate or prohibit the introduction of
st labor in the city.

To provide for the temporary or permanent
ing of wells and springs used by the public dur-
epidemics, or when epidemics are threatened, or
ever the use of the water from such springs or
is injurious to health.

To take and appropriate, in the way and man-

way and manner, and under the same limitations and restrictions as provided by law in such cases.

Sec. 22. Be it further enacted, That the board of mayor and aldermen shall have the power to elect a city marshal, who shall be ex officio the collector of all the delinquent taxes of said city, and who shall be chief of police; and said board shall have the power to elect as many assistant policemen as may be needed, or as are necessary to preserve the peace and good order of the city on public occasions, and to fix the compensation of each. But the marshal, in case of emergency, shall summon or deputize assistance.

City marshal,
duties.

Sec. 23. Be it further enacted, That the city marshal or chief of police, and his assistants, shall have power to execute, within said city limits and for one mile outside said city limits, all criminal and other process issued by the recorder of said city, and shall possess all the common law and statutory power of constables, except for the service of civil process.

As to service of
process.

Sec. 24. Be it further enacted, That it is hereby made the duty of the said marshal and his said assistants, at all times of day and night, and the members thereof are accordingly appointed to preserve the peace, prevent crimes, detect and arrest offenders, suppress riots, protect the rights of persons and property, guard the public health, preserve order at elections, see that nuisances are removed, suppress and restrain disorderly houses, houses of ill fame, and gambling houses; to assist, advise, and protect strangers and travelers in public streets and railroad stations, enforce every law relating to the suppression and punishment of crime, the protection of the public health, or disorderly persons, or any ordinance or resolution of the board of mayor and aldermen, in relation to public health and criminal procedure.

Marshal, fur-
ther duties of.

Sec. 25. Be it further enacted, That the said member or members of the said police force shall have the power and authority to immediately arrest without warrant, and take into custody, any person who shall commit, threaten, or attempt to commit in the presence of such member, or within his view, any breach of the peace, or offense directly prohibited by act of legislature, or by ordinance of the board of mayor

Police may ar-
rest without
warrant, when.

city for said year, and he shall report to the mayor on the first day of each month the amount of taxes so collected by him from all sources, privileges, fines, etc. On the first day of February following the year for which said taxes are assessed, at which time all taxes shall become delinquent and draw interest, a penalty of four per cent. shall attach to all such taxes which are then unpaid, and the recorder shall make out lists of taxes so unpaid, and by whom owing, etc., and the said lists of taxes so made out in conformity to this provision shall have the same force and effect as executions, and the said marshal shall levy them on any property of the delinquent (and no property belonging to said delinquent shall be exempt) in as full a way and with the same force and effect that the delinquent lists made out by the trustees, and placed in the hands of officers, which lists the said officer shall levy on any personal property belonging to said delinquent, and sell same thereunder for the collection of state and county taxes, so as to give said delinquent lists the force and effect of distress warrants or executions, and they are hereby declared to have said force and effect of distress warrants or executions. The said marshal shall report to the mayor on the first day of each month the amounts so collected by him on said taxes, or from any other, and from all other sources, and he shall pay the sums so collected, at time of making said report, over to the recorder of said city, taking receipts therefor in duplicate, one of which he shall so file with the said report to the said mayor.

Sec. 29. Be it further enacted, That the taxes assessed by said city shall be a lien on the respective property against which the same are respectively assessed until paid, subject only to the lien which the State of Tennessee and Humphreys county may have for unpaid taxes. Tax lien.

. 30. Be it further enacted, That the said city marshal shall continue to collect the said city taxes penalty and interest up to the first day of June each and every year succeeding the year for which taxes were assessed, when he shall return to the recorder all the lists of the uncollected taxes on state so turned over to him, and levy, or dis- Enforcement of lien.

justice of the peace of the sixth civil district of Humphreys county, may act in his room and stead to try all cases for him. The said recorder shall have all the power and functions of a justice of the peace. It shall be the duty of, and he, the said recorder, is hereby authorized to issue a distress warrant for double amount of the highest privilege tax required of any person, firm or corporation who shall enter upon or engage in any business in said city the running of which makes them liable to the payment of a privilege tax under the laws of the state and the ordinances of said city and who have not paid nor taken out the license so required for the running of said business, which distress warrant may be addressed to the marshal of said town, or to the constable or sheriff of said county of Humphreys, and which shall command said officer to levy the same on the property of the said delinquents, and to sell the same and apply the proceeds to the payment of said taxes, costs and the penalty therein provided. And the said officer to whom the said distress warrant comes shall execute the same at once on penalty of being liable himself on motion by the recorder for double the tax, cost and charges lost by his delay, in the circuit court. The said officer shall sell said goods so levied upon after giving ten days' notice of the time and place of said sale, as required by law in execution sales by sheriffs, and apply the proceeds to the payment of said taxes, penalties, costs, etc.

Sec. 33. Be it further enacted, That it shall be the duty of the mayor to preside at the meetings of the board; to carefully examine the bills and ordinances passed, and should any of them in whole or in part not meet his approval, he shall return them to the next regular meeting of the board of mayor and aldermen with his objections in writing, either to the whole or any part of such bills or ordinances, and no bill or ordinance so vetoed by the mayor or part so vetoed shall go into effect, unless the same be passed by two-thirds vote of the whole number of the members of the board of mayor and aldermen. The mayor may veto part and approve part of any bill or ordinance and that part he approves shall go into effect at once, but the part vetoed shall not go into effect unless passed by two-thirds vote as above pro-

Distress for
privilege tax.

Mayor; duties;
veto power.

form such other duties as may by the charter and ordinances of the board of mayor and aldermen, be required of him. The compensation of the mayor shall be such an amount as the board of mayor and aldermen shall, by resolution or ordinance, adopt. The mayor shall before entering upon the duties of his office take the oath as hereinbefore provided. He shall have the power and exercise the functions of a justice of the peace, but only for the preservation of the peace within the city limits, and public works and grounds without the city belonging to the city. He shall have the power, and it is made his duty, to bid in for the city property at all tax sales and judicial sales when the city is a party, when it is necessary to save or secure any debt or tax due the city.

Compensation,
oath; preserve
peace; bid in
at tax sales.

Sec. 34. Be it further enacted, That in the absence of the mayor the board of aldermen shall elect one of their number to discharge the duties of his office, and in case of resignation, removal, death or non-residence the board of aldermen shall elect one of their number to discharge the duties of the mayor's office until a successor for the unexpired term has been elected by the people, which election shall be held within thirty days after such a vacancy occurs, as other elections are held.

Mayor pro tem.

Sec. 35. Be it further enacted, That the said city shall have a street commissioner, who shall be elected by the board of mayor and aldermen for a term of one year, subject to removal by said board at its pleasure, the duties of said commissioner shall be: To see to letting contracts for the improvement and working the streets and alleys of said town; directing the city marshal what places and streets to work or improve, and it is hereby made the duty of the marshal to work or have it done under his control, and all places so directed to be worked and improved by said street commissioner; the said commissioner is given the sole authority to contract for work on the streets and alleys of said city, and to buy material for making bridges and culverts, and all material necessary in the improvement of the streets and alleys of said city, and also to buy or contract for oil, gasoline, etc., for the purpose of lighting the

Street commis-
sioners; du-
ties; let con-
tracts; how
paid for.

streets of said city, but he shall not be held responsible for the indebtedness in any one year in excess of the amount of expenses on which the tax is levied. The commissioner shall report in writing at the time of contracting said contracts, giving in said report information in a complete way. The said commissioner shall award contracts for all important jobs, or for any considerable amount is purchased, to the lowest bidder, if, in his opinion, the bid is a reasonable one, and he shall see that he gets the amount and quality of work contracted for. If the work so contracted for does not factorily appear to the mayor to be for the full benefit of the city, he may enter into by said commissioner a report of said commissioner, if he believes, or has cause to suspect, that the work has not been carried out in good faith, he may issue himself on this point before giving a warrant for the contract price; otherwise, he will give him a warrant on the recorder if there are funds in the treasury to pay for it, otherwise, he will give him a certificate that the city owes him so much, and he shall keep a full record of all contracts in a well-bound book, but the mayor will not be bound until so authorized by the board of aldermen, and he shall keep a stub of each contract issued by him, and, in addition, he shall keep the same in a well-bound book, showing the amount, to whom payable, and when issued, and the warrant itself shall be kept in the same book, and it shall be a good and lawful receipt for the money so paid.

Records.

Sec. 36. Be it further enacted, that the recorder, city attorney, and other officers of the city shall preserve and arrange in a systematic manner the records of their respective offices, and make the same available to the inspection of the public at all times.

Seal.

Sec. 37. Be it further enacted, that the mayor shall attach the seal of the city to all official acts except his approvals.

nances, and he is hereby made the custodian of the said seal of the city.

Sec. 38. Be it further enacted, That at the end of each year the mayor shall appoint two citizens of said city, and not officers thereof, who, in conjunction with the city attorney, shall constitute an examining committee, who shall thoroughly examine the financial condition of the city in all its departments, and make a minute, itemized report of the expenditures thereof, showing for what purposes, the number and amount of all the warrants issued and taken up, and compare and check the mayor's register of warrants issued with the register of warrants taken up by the recorder, which book he is required to keep in the same manner as the mayor's register of warrants issued. The said committee shall show in their report whether all the officials have kept their offices in proper shape, and whether they have discharged the duties thereof faithfully and efficiently, and properly accounted for all the funds that came into their hands, or should have come into their hands, as well as the amount of moneys on hand, how and where kept, and if the city is in debt, the amount, to whom owing, and for what purpose so owing.

Sec. 39. Be it further enacted, That whenever, in this act any omissions are made in defining the duty or authority of any of the officers provided for herein, and which is essential properly to carry out the objects of this act, the mayor and board of aldermen are hereby granted authority to supply such omission, and they are further given the power and authority to do any and everything necessary to carry out the objects of this act.

Sec. 40. Be it further enacted, That the city of Waverly is hereby created a separate school district, and the public schools in said city shall be managed and controlled by the school board herein provided which shall consist of three citizens of said city, shall be freeholders or householders, and have the care and custody of them, to send to school, and shall possess the other qualifications of alderman of said city, and who shall be elected annually at the regular election; and in case of a vacancy in said school board the mayor of said city

under the seal of the city. Said school directors shall be governed by the state law governing school directors when not in conflict with this act.

Sec. 41. Be it further enacted, That whenever the school fund payable to this school district, from the state and county, shall be insufficient to run said school or schools for nine scholastic months in each year, the board of directors shall certify that fact to the board of mayor and aldermen, with an estimate of what amount will be necessary to meet the deficiency therein for the ensuing year, and the board of mayor and aldermen shall levy and collect the amount of such estimate as provided for the levy and collection of other taxes for city purposes; Provided, Such levy shall not cause the total levy for city purposes to exceed the limit for levies fixed in this act; Provided further, That no part of the school funds or levy for school purposes shall be expended for any other object or purpose than for the running of the schools in said city.

May levy
school tax,
when.

Sec. 42. Be it further enacted, That the board of mayor and aldermen shall fix, by ordinance, the salary or compensation of all the officers of said city, and may allow more than the usual amounts when it is evident that more than the usual work and services have been rendered by any official, so as to allow reasonable pay and compensation for the services of any official of said city.

Salaries.

Sec. 43. Be it further enacted, That the board of mayor and aldermen are hereby authorized to contract indebtedness on behalf of the city, and upon the credit thereof, by issuing bonds of the city and disposing of them for the purpose of obtaining money for the following purposes: To build, construct, and operate a system of water works for the city, in or near the same; to build or purchase school property for the use of the public schools herein provided for; Provided, That at no time shall the bonds issued under this authority for said purposes exceed ten per cent. of the taxable values of the real and personal property in said city, as shown by the assessment at the time; Provided further, That before any bonds are issued under this authority the mayor and board of aldermen shall draw up a proposition that shall

Bonds, for
what may
issue; election
as to; interest
and sinking
fund tax.

disclose clearly and fully the amount to be issued, the length of time the rate of interest they are to draw, and the purposes for which they are to be used. Cause said proposition to be published in a newspaper published in said city for thirty days prior to the day of election, which shall be a notice in said city under the regulations of mayor and aldermen of said city. The board shall be called for the purpose of voting on said proposition to a vote in said city. The board shall be entitled to vote in said election, and the bonds issued under said proposition on the day of the votes cast in said election shall be subject to said proposition; Provided, That said proposition shall not preclude its being amended; and provided further, That no bonds issued by said authority shall run for less than six years, and at a greater rate of interest than six per cent. When any bonds are issued hereunder for the purposes named, the mayor and board of aldermen have the power to pass and enforce all ordinances and regulations necessary to effectuate and carry into effect the purposes for which said bonds are issued. The board shall create any and all necessary boards and commissions, and pass ordinances regulating the same. Whenever any bonds are issued by said board of mayor and aldermen shall have the power to tax upon all taxable property and franchises within the corporate limits of said city, of a sufficient amount, and for the purpose of paying the interest on said bonds and creating a sinking fund to pay the same when they mature.

vy Sec. 44. Be it further enacted, that for the year 1899 may be made by the board of mayor and aldermen herein provided for, and soon thereafter as practicable, the organization of said board in July, 1899, and the annual tax levy thereafter shall be made in January, or as soon thereafter as practicable, and every year. Said taxes, when levied, shall have the force and effect given by the state laws relating to taxes in this state.

Sec. 45. Be it further enacted, That said city of Waverly may be divided into as many as three wards ^{Wards.} by ordinance of the board of mayor and aldermen, but the elections shall be general all over the city, and the party or parties receiving a majority of all the votes of the city shall be the one that shall hold the office or position to be filled, but not more than two aldermen shall be elected from any one ward, and no election by wards shall be held.

Sec. 46. Be it further enacted, That at the time of the levy of taxes for general purposes by said ^{Street and road tax.} board of mayor and aldermen there shall be levied a street tax of not exceeding twenty (20) cents on the hundred dollars of property subject to taxation, to be collected as other taxes, and to be expended upon the repair, construction, and maintenance of the streets, alleys, bridges, and culverts of said city, by and under the direction of the street commissioner, as herein provided; and at the same time of the levy of said road tax, levy and assess against every male inhabitant of said city, not physically disabled, and within the age prescribed by the State of Tennessee for road duty a certain number of days, not exceeding four days' service, to be performed upon the streets, alleys, bridges, and culverts of said city, the labor of which persons shall be under the control and supervision of the said street commissioner, or the marshal, and worked by either of said officials in such places and at such times as they, or either of them, may designate. The time at which such persons are required to perform said service, and the duration thereof, to be made known to them by said street commissioner in the same way as provided in Sections 1669, 1671, and 1674, R. T. Shannon's compilation of the laws of the State of Tennessee, and any person so notified who shall fail to work, or send an able-bodied substitute in his place, or before the day designated for such working, shall fail to pay to the treasurer (recorder) of said city the sum of 75 cents for a day's labor required (which, when collected, shall be held and expended as other street funds), shall be guilty of a misdemeanor and subject to all penalties and liabilities, and proceeded against by said street commissioner, as provided in Sections

1667, 1668, of R. T. Shu
laws of the State of Tenn
ing of the public roads of

Sec. 47. Be it further
parts of laws in conflict
same are hereby, repealed.

Sec. 48. Be it further
effect from and after its
requiring it.

Passed March 21, 1899.

JOS

Speaker of the H

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Approved April 6th, 18
BEN

CHAPT

HOUSE BILL

AN ACT to resurvey and
Perry and L

Section 1. Be it enacted
of the State of Tennessee
county surveyor of Perry
Commodore Dabbs, of said
Hale, county surveyor of
and George A. Turnbo, c
and they are hereby, appo
resurvey and establish the
Lewis counties. Beginning
between Opossum and M
corner of an entry in the
Thomas Lomax, in Perry
corner of an entry made
name of George Nixon, r
county line as near as prac
line of Hickman county k
and Brush creeks and the

Sec. 2. Be it further enacted, That said commissioners shall mark and establish the boundary line between said counties of Perry and Lewis, and file a plat of their operations in the office of the secretary of the state, and record the same in the survey books of the counties of Perry and Lewis.

Sec. 3. Be it further enacted, That the line so established by said commissioners shall be recognized both in law and equity as the legitimate boundary line between the aforesaid counties of Perry and Lewis.

Sec. 4. Be it further enacted, That said commissioners shall be paid for such services rendered in making said survey by their respective counties the regular fees now allowed by law for surveyors and commissioners, and that this act take effect from and after its passage, the public welfare requiring it.

Passed March 29, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved March 31, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 176.

HOUSE BILL No. 561.

AN ACT to authorize and empower the corporate authorities of the town of Tullahoma to issue interest bearing bonds for the purpose of providing and operating a light plant for the town of Tullahoma.

Section 1. Be it enacted by the General Assembly the State of Tennessee, That the mayor and aldermen of the town of Tullahoma, in the county of May issue coupon bonds for lighting purposes. fee, be, and they are hereby, authorized and empowered, in their corporate capacity, to issue interest

bearing coupon bonds of the said mayor and recorder of the said town, not exceeding the sum of six thousand dollars, the proceeds of which shall be for the purpose of purchasing or erecting a plant for the purpose of lighting the said town, or its inhabitants; however, That the said bonds, shall not be issued until an election is held in said town to determine the wishes of voters of said town favor the issue of said bonds.

non as to.

Sec. 2. Be it further enacted, That the aldermen of said town shall, by and with the consent of a majority of them, at some suitable time at which to hold an election, and that they shall order and direct some stable, or other proper person, to hold an election, which said election shall be subject to the regulations and restrictions as to the manner of holding the same as the aldermen shall provide by law.

men.

Sec. 3. Be it further enacted, That all men who are qualified voters to vote in said town shall be entitled to vote in said election.

its; three-fourths vote.

Sec. 4. Be it further enacted, That no person voting in said election who are in favor of the issuance of said bonds shall have written on their tickets or ballots, "In Favor of the issuance of said bonds," and all persons voting in said election shall be deemed to be in favor of the issuance of the same unless they have written or printed on their tickets or ballots, "Light Bonds," and if three-fourths of the votes cast in the said election shall be in favor of the issuance of the said bonds, the same shall be issued.

minors; interest; bonds.

Sec. 5. Be it further enacted, That the bonds shall be in such denominations as the board of mayor and aldermen shall determine; Provided, That they shall be in denominations of not less than fifty thousand dollars each, with coupon interest payable semi-annually at the rate of five per cent. per annum, and that they shall mature in twenty years, and be payable in full money of the United States;

That said bonds may, at the option of said board of mayor and aldermen, be redeemed at any time after the expiration of five years from the date of issuance, and other like bonds may be issued in lieu thereof, in whole or in part, not, however, to exceed the amount necessary to pay off any unpaid bonds under the first issue, as herein provided for.

Sec. 6. Be it further enacted, That said bonds shall not be sold for less than par or face value thereof.

Sec. 7. Be it further enacted, That in order to pay the interest on said bonds as same shall become due, and also to provide the necessary sinking fund to pay said bonds or redeem same on or before maturity, the said board of mayor and aldermen shall annually levy a special tax on all property and privileges within the corporate limits of the said town, not to exceed twenty cents on the hundred dollars worth of property, or half the state tax on privileges, in any one year; and the sinking fund herein created and provided for shall be used in the payment of interest on, and the purchase or redemption of, the said bonds, in such manner as the said board of mayor and aldermen shall provide by proper ordinance.

Interest and
sinking fund
tax.

Sec. 8. Be it further enacted, That the money arising from the sale of the bonds herein provided for shall be expended under the directions of the board of mayor and aldermen, and that the treasurer of said board, or any depository designated by said board, shall be required to give bond, with approved security, for the safe keeping and proper expenditure of said money.

Proceeds of
bonds, how ex-
pended; bond.

Sec. 9. Be it further enacted, That before said bonds or any part thereof are issued, they shall be numbered, together with the coupons attached, and each bond in addition shall have the corporate seal attached thereto, and any and all safeguards against counterfeiting as the board may devise and direct.

Numbering
bonds, etc.

Sec. 10. Be it further enacted, That the date of issuance, number, and amount of each bond, with the coupon thereto attached, and to whom sold, shall be entered by the recorder or comptroller in a well bound book, to be provided by the board for the purpose, and which book shall be open at all times to

Record of
bonds; can-
cellation.

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all be so issued
written upon an
as to leave a
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arch 27, 1899.

JOSEPH

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March 31, 189

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SENATE BILL

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Be it enacted l
of Tennessee, T
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chancery, circuit, or county courts of this state pursuant to the jurisdiction conferred upon them by law, in which any fund or part thereof shall be decreed or adjudged to belong to any person under the age of twenty-one years, or in which there shall be a recovery in favor of such person, it shall be competent for the court trying the case to retain said fund or part thereof or the amount of the recovery adjudged in his favor to be disbursed by the clerk and master or clerk of said court for the support, maintenance, or education of such minor under the orders of the court; Provided, Said fund or part thereof, or the amount of said recovery, does not exceed the sum of one hundred and fifty dollars, and the minor be without regular or general guardian; And provided further, That the court may in its discretion direct said fund to be paid to the natural guardian of said minor, or other person having the care and custody of said minor, to be applied for the purposes above indicated, subject to such terms and conditions as the court may impose.

Sec. 2. Be it further enacted, That all acts or parts of acts in conflict with this act be, and the same are hereby, repealed.

Sec. 3. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed March 21, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved March 27, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 17

SENATE BILL No.

AN ACT to provide for the better protection against fire in hotels and lodging houses in this state.

**Hotels and
lodging houses
to provide rope
or rope ladder,
when.**

Section 1. Be it enacted by the people of the State of Tennessee, That it is the duty of every keeper or proprietor of every lodging house in the state over ten stories in height to provide and securely fasten in the building above the second story which has a fire escape and is used for the accommodation of lodgers, a rope or rope ladder for the use of lodgers therein in case of fire, of sufficient diameter, which shall be securely fastened in each room, as near a window as possible, of sufficient length to reach therefrom on the outside of such hotel or building made of strong material, and as soon as coming inflamed as practicable. The rope ladder shall be kept in good repair. In lieu of a rope or rope ladder the keeper or proprietor may substitute any other appliance that shall be of equal or greater utility by the decision of the fire commissioners or other authority as may have jurisdiction in the city or town where such hotel or house is located, but such appliance shall be so constructed as to be under the control of every lodger in such hotel or house.

**Iron balconies
and stairs.**

Sec. 2. Be it further enacted, That every hotel or lodging house in this state, over ten stories in height, shall be provided with non-combustible iron balconies, with iron stairs connecting one balcony to the other, to be placed outside the building above the third story in case of hotels, and in cases of other buildings one hundred and fifty feet in height, or such other number as may be directed by the fire department or such other authority as may have jurisdiction.

control of fire regulations in city or town where such hotel or lodging house is located. Such balconies and iron stairs shall be constructed at the expense of the owner of such hotel or lodging house.

Sec. 3. Be it further enacted, That it shall be the duty of every such proprietor or keeper of any hotel or lodging house to call attention to the fact that this act has been complied with, and the part of such room where such coil of rope or rope ladder is fastened.

Guest to be informed of escapes.

Sec. 4. Be it further enacted, That any violation of any of the provisions of this act hereinbefore contained shall be deemed a misdemeanor, and indictable as such; and any person convicted thereof shall be punished by a fine of not more than five hundred dollars nor less than fifty dollars.

Violation a misdemeanor; penalty.

Sec. 5. Be it further enacted, That in all hotels or lodging houses containing more than fifty rooms, and being four or more stories high, the proprietor or lessee of each hotel or lodging house shall employ and keep a competent night watchman.

Night watchman.

Sec. 6. Be it further enacted, That every proprietor of such hotel or lodging house who shall fail to comply with the requirement of section five of this act shall be deemed guilty of a misdemeanor, and upon conviction, shall be punished in the same manner as provided in section four in this act.

Violation a misdemeanor.

Sec. 7. Be it further enacted, That this act shall be given in charge to the grand jury at each session, and they shall make due inquiry and indict and bring to trial all parties found guilty of violating any of its provisions.

Given in charge to grand jury.

Sec. 8. Be it further enacted, That all fines imposed and collected for any violation of the provisions of this act shall be paid to the trustee of the county where such offense is committed, and for the use and benefit of the public common schools thereof.

Fines, etc., for use of schools.

Sec. 9. Be it further enacted, That all hotels or lodging houses hereafter constructed in this state, over two stories in height, and over one hundred feet length, shall be constructed so that there shall be at least two stairways for the use of guests leading from the ground floor to the upper story.

Two stairways

Sec. 10. Be it further enacted, That this act take

effect sixty days after its passage, the requiring.

Passed March 18, 1899.

SEID WAI

Speaker of

JOSEPH W. E

Speaker of the House of Rep

Approved March 25, 1899.

BENTON McM

CHAPTER 179.

HOUSE BILL No. 360.

AN ACT to change the line between
DeKalb and Smith.

Section 1. Be it enacted by the Ge of the State of Tennessee, That the li counties of DeKalb and Smith, in th nessee, be so changed as to detach th liam Oakley from the county of Smi the same to the county of DeKalb. S ed as follows: Beginning in the from Temperance Hall to Lancaster, south 62 degrees east 13 3-5 poles thence south 76 degrees east 16 poles to south 40 poles to a beech; thence so west 6 poles to a stake; thence south 2. ty line, containing 6 acres.

Sec. 2. Be it further enacted, Th effect from and after its passage, the requiring it.

Passed March 29, 1899.

JOSEPH W. E

Speaker of the House of Rep

SEID WAI

Speaker of

Approved March 31, 1899.

BENTON McM

CHAPTER 180.

HOUSE BILL No. 156.

AN ACT to enable the people of Oliver Springs to form one school district out of parts of Roane, Anderson and Morgan counties, to be known as the Oliver Springs school district.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the parts of the said counties of Roane, Anderson and Morgan counties as herein bounded, namely: Beginning where the Anderson and Morgan county line crosses Little Cow creek above Oliver Springs and running north 78 degrees east about 640 poles to Poplar creek; thence south 40 east crossing Ealden's bridge and Walden's ridge railway to Hoskin's blue spring, about 320 poles; thence with said spring branch to Poplar creek; thence with Poplar creek to mouth of Indian creek; thence north 47 degrees west about 1000 poles to the Roane county line on top of Walden's ridge between Dr. Theo. Sienknecht and Borum's farms; thence north 35 east about 480 poles to the beginning, be, and are hereby, incorporated into one school district.

ARTICLE 1.

Section 1. Be it further enacted, That the proper election authorities of Roane county be, and are hereby, empowered and required to hold an election within said school district, by the qualified voters of said district, on the first Saturday in May, 1899, and on the first Saturday in August, for school directors of said district.

2. Be it further enacted, That the officers appointed by said authorities to conduct the election in said school district shall serve without compensation.

3. Be it further enacted, That the clerk of said district shall furnish to the county superintendent

ents of said counties, a correct
ber of children within said d.
their respective county.

ARTICLE

Section 1. Be it further en
intendent of each county shall
enumeration to the trustee o
apportion and pay out the m
portion of said district lying
county as to other districts o
ders of directors of said distric

Sec. 2. Be it further enact
holding a certificate of qualifi
superintendent of either Roan
counties, shall be qualified to

Sec. 3. Be it further enact
laws of the state, not in conf
of this act, shall be applied to

Sec. 4. Be it further enact
effect from and after its pass
requiring it.

Passed March 20, 1899.

JOSEF

Speaker of the House

SEI

Si

Approved March 23, 1899.

BENTO

CHAPTER 181.

HOUSE BILL No. 261.

AN ACT to amend chapter 75, Acts of 1897, entitled
“An act to authorize and empower the governor of
the State of Tennessee to exchange the mineral
rights in certain lands of the state for certain other
lands, upon condition the title is good to said other
lands, and provided the governor approves the ex-
change.”

Whereas, W. A. Gray and Ellen W. Scott were
unwilling to make the exchange of lands authorized
by the act of the legislature (Acts of 1897, chapter
75), unless the State of Tennessee would grant unto
them and their assigns a right of way, surface and
underground, over and through certain lands of the
state which separated and cut off from the Harriman
& Northeastern railroad and an outlet, the mineral
lands of said Gray and Scott and the mineral interest
proposed to be conveyed to them by the state; and,

Whereas, The lands of the state, separating the
said lands of Gray and Scott, and the mineral inter-
est proposed to be conveyed to them from said rail-
road, and an outlet, are of limited acreage and wholly
disconnected from the state coal lands now being
operated, and the granting of such right of way over
said state lands would not injure the said state lands,
and would be just and proper; Therefore,

Section 1. Be it enacted by the General Assembly
of the State of Tennessee, That the caption of chap-
ter 75, Acts of 1897, be amended by inserting before
the words “upon condition,” the following words,
“to grant certain rights of way in state lands.”

2. Be it further enacted, That section 1 of
chapter 75, Acts of 1897, be amended by inserting
at the close of said section 1 the following clauses:
“The governor of this state be, and he is hereby,
authorized and empowered to give, grant and

convey unto said W
their assigns, as a d
said exchange, a d
ground, over and
Tennessee, which
said Gray and Scot
ern railroad; granti
or places in said st
and Scott, and thei
erals from their la
injure the lands ar
Tennessee, or in a
operations.

Sec. 3. Be it fr
effect from and af
requiring it.

Passed March 2

Speaker c

Approved Marc

AN ACT to prote rial

Section 1. Be i
of the State of T
tract shall be let f
any city, county
tractor shall first e
the effect that he
labor used in said
United States. The
shall be for one-ha

Contractor for
public work to
ive bond,
then.

tracts of two thousand dollars, or under; one-half of the first two thousand dollars, and thirty-five per cent. of all over that amount on all contracts between two thousand dollars and five thousand dollars; and one-half of the first two thousand dollars, thirty-five per cent. on the next three thousand dollars, and twenty-five per cent. on the balance on all contracts over five thousand dollars. Where advertisement is made the condition of the bond shall be stated in the advertisement; Provided, That this act shall not apply to contracts under \$100.

Sec. 2. Be it further enacted, That any laborer or furnisher of material may bring an action on such bond, and make recovery in his own name, upon giving security or taking the oath prescribed for poor persons as provided by law, and in the event of such suit, the city, county or state shall not be liable for any costs accruing thereunder.

Action on
bond, by whom

Sec. 3. Be it further enacted, That if any public officer, whose duty it is to let or award contracts, shall let or award any contract without requiring bond for payment of labor and material, in compliance with the provisions of section 1 hereof, such officer shall be guilty of a misdemeanor.

Misdemeanor
to fail to re-
quire bond.

Sec. 4. Be it further enacted, That the laborer or furnisher of materials, to secure advantage of this act, shall file with the public officer who has charge of the letting of any contract an itemized statement of the amount owed by the contractor for materials and labor used within (30) thirty days after the contract is completed.

Statement filed
with officer.

Sec. 5. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed March 15, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved March 17, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 183.

HOUSE BILL No. 37.

AN ACT to require the commissioner of
to give bond.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the commissioner of agriculture is hereby required to execute with two or more solvent sureties in the sum of (\$1000) thirty thousand dollars, payable to the State of Tennessee, conditioned for the faithful performance of the duties of the office and for the safe keeping and accounting to the state treasurer of all moneys received from the inspection of fertilizers, and other business coming into his possession as commissioner of agriculture. Said bond to be approved by the Governor. Provided, however, Any guarantor or person authorized to do business in the State of Tennessee may become surety upon said bond, if preferred by the commissioner of agriculture, in the place of the two sureties provided above.

Sec. 2. Be it further enacted, That in effect from and after its passage, the provisions requiring it.

Passed March 16, 1899.

JOSEPH W. BYRN

Speaker of the House of Representatives

SEID WADD

Speaker of the

Approved March 17, 1899.

BENTON McMILL

CHAPTER 184.

SENATE BILL No. 9.

AN ACT to amend chapter 41 of the acts of the thirty-seventh general assembly, passed November 25, 1871, entitled "An act to increase the fees of registers."

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the following portion of section 1 of said act, viz.: "For each deed, bond, or other assurances of title not exceeding five hundred words, purporting to convey one lot or tract of ground \$1.00; for every additional tract or lot in the same deed, \$0.25," be stricken out and the following words, "For every deed, bond, or other assurance of title to any interest in real estate not exceeding five hundred words, \$1.00," be inserted in the place thereof.

Sec. 2. Be it further enacted, That there be added to section 1 of said act, the following words:

"Provided, That the certificate of acknowledgment of husband and wife shall be registered as a single certificate, for twenty-five cents, and that no charge shall be made for registering the clerk's certificate of payment of the tax on the sale."

Sec. 3. Be it further enacted, That this act shall take effect from and after its passage, the public welfare requiring it.

Passed March 21, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved March 23, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 185.

SENATE BILL No. 12

AN ACT to repeal an act entitled
and regulate the office of county
county," it being chapter 149 of
approved March 23, 1891.

Section 1. Be it enacted by the
of the State of Tennessee, That an
act to create the office of county
county," it being chapter 149 of
approved March 23, 1891, be, and
by, repealed.

Sec. 2. Be it further enacted,
effect from and after the first day
the public welfare requiring it.

Passed March 21, 1899.

SEID W
Speaker

JOSEPH W. I
Speaker of the House of

Approved March 27, 1899.

BENTON M

CHAPTER 186.

SENATE BILL No. 365.

AN ACT to empower the county courts at their discretion to purchase a compilation of the public and permanent statutes of a general nature, being an annotated code of Tennessee, known as Shannon's Code, annotated by R. T. Shannon, of the Nashville bar, for the justices and county officers and to secure the safe keeping of books so purchased, and their transmission to successors in office.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the county courts of the state are authorized and empowered, in their discretion, by regular appropriation, to purchase for the use of the justices and county officers of their respective counties, a book entitled, "A Compilation of the Public and Permanent Statutes of a General Nature," being an annotated Code of Tennessee by R. T. Shannon, of the Nashville bar.

Sec. 2. Be it further enacted, That all laws pertaining to the preservation, safe keeping, and transmission of official books and papers from incumbents to their successors in office, shall be in force and apply to all copies of said work purchased under the provisions of this act.

Sec. 3. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 4, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved April 5, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 187.

SENATE BILL No. 2

AN ACT to provide a good and authentication or acknowledgment of a deed or other instrument in writing executed by a corporation, with or without a seal.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Tennessee, That any instrument in writing executed by a corporation, whether it has a seal or not, shall be valid and sufficient, when made in substantially the following form:

State of.....

County of.....

Before me,.....
of the county aforesaid, personally appeared....., with whom I am acquainted, and who, upon oath, has sworn to be the president (or other officer authorized to execute the instrument) of the..... named therein, and he or she, as the case may be, being at the time of the execution of the foregoing instrument duly qualified to execute the same, has acknowledged to me the execution of the same by him or her, as the case may be, and by signing the same in the presence of me, a Notary Public in and for the State of Tennessee, and in the presence of.....

Witness my hand and seal, at..... this..... day of.....

Sec. 2. Be it further enacted, That this act shall take effect from and after its passage, and until amended or repealed by the next session of the next Legislature, requiring it.

Passed March 21, 1899.

SEID W.
Speaker

JOSEPH W.
Speaker of the House of Representatives

Approved March 27, 1899.

BENTON M.

CHAPTER 188.

SENATE BILL No. 315. .

AN ACT to divest the title in certain property in Dyersburg, Tennessee, out of the trustees of the Dyersburg Male and Female College, and vesting title to said property in the board of mayor and aldermen of Dyersburg, Tennessee.

Whereas, On the 13th day of May, 1896, the trustees of the Dyersburg Male and Female College, through its president, Thomas W. Neal, and secretary, W. R. Hayes, conveyed to the mayor and aldermen of Dyersburg, Tennessee, that certain real estate situated in the town of Dyersburg, Tennessee, known as the Dyersburg Male and Female College property, in consideration of the said town of Dyersburg, Tennessee, assuming and agreeing to pay outstanding registered indebtedness of school district number one, of Dyer county, and other indebtedness mentioned in said conveyance, amounting to about four thousand dollars (which indebtedness has been paid by the said town of Dyersburg, Tennessee), and the further consideration that the said town of Dyersburg was to operate and maintain a system of high grade public schools in said town of Dyersburg for a period of not less than nine months each school year, unless prevented by epidemics or other unavoidable causes; and,

Whereas, Thus far the said town of Dyersburg has literally complied with the conditions of said conveyance; now, therefore,

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the title in and to the property or real estate above referred to, and more minutely described in deed of record in register's office of Dyer county, in conveyance book number twelve, page 520, be, and the same is hereby, invested out of the said trustees of the Dyersburg Male and Female College, and the same be, and is

effect from and after its passage, the public welfare requiring it.

Passed March 23, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved March 27, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 190.

HOUSE BILL No. 565.

AN ACT to incorporate the town of Camden, in the county of Benton, and to provide for the election of officers, prescribe their duties, and for other purposes.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the town of Camden and the inhabitants thereof, be, and they are hereby, constituted a body politic and corporate under and by the name of "Mayor and Aldermen of the Town of Camden," and shall have perpetual succession by their corporate name, may sue and be sued, plead and be impleaded, grant, receive and purchase and hold real, mixed and personal property, or dispose of the same for the benefit of said town.

Name and
style.

Sec. 2. Be it further enacted, That the corporate limits of said town of Camden shall be as follows, to wit: Beginning on a rock, with red oak and plum
ers, in the west boundary line of R. P. Haley's
d and the east boundary of J. A. Clement, and 4
es south of Haley's northwest corner and J. A.
ment's northeast corner, and runs south 196 poles
ake in W. P. Saunder's field, then east 78 poles
take, then north 48 degrees east 102 poles to a
then north 52 poles to a large rock with hick-

Boundaries.

6. To regulate or prohibit and suppress all disorderly houses or bawdy houses.

7. To regulate the police of the town, impose fines, forfeitures and penalties for the breach of any ordinance, and to provide for the recovery and appropriation of the same, and to appoint an officer for the town, who shall be the recorder, before whom such recovery may be had, not, however, to exclude the jurisdiction of any other competent court.

8. To provide for the arrest and confinement until trial, of all disorderly or riotous persons, by day or by night, to authorize the arrest and detention of all suspicious persons found violating any ordinance of the town.

9. To prevent or punish, by pecuniary penalties or otherwise, all breaches of the peace, noise or disturbance, disorderly assemblages in any alley or street, house or place in the town, by day or by night, to prevent and remove all encroachments into and upon all streets, lands and alleys established by law or ordinance.

10. To remove all obstructions from the sidewalks, and to provide for the construction and repair of all sidewalks and for cleaning the same. To require the owners of property fronting on the public square to erect sidewalks in accordance with such ordinance as the council may provide, at the expense of the owners of the ground fronting the same.

11. To regulate, tax, license, or suppress the keeping or going at large of animals within the town, and in default of redemption, in pursuance of ordinance, to sell, dispose of, or kill the same. To levy a special school tax on property in pursuance of an ordinance, which shall be used for school purposes alone.

12. To tax, regulate or restrain theatrical or other public amusements, shows and exhibitions within the corporate limits of said town; to restrain or prohibit horse swapping upon the public square; to restrain or prohibit gambling; to regulate the sale of intoxicating liquors, beer, ale or malt liquors, and to pass all ordinances and by-laws not contrary to the constitutional laws of the state that may be necessary to carry out the provisions and full intent and meaning of the act of their corporation.

13. To commit any person or persons who may fail or refuse to pay or secure any fine or cost imposed on him or them, by ordinance of said town, to the jail or workhouse of Benton county, until such fine and cost be fully paid or secured. Every person so committed to the jail or workhouse, shall be required to work for the town at such labor as his or her health and strength will permit, not exceeding ten hours each day, and for such work the persons so employed shall be allowed, exclusive of board, a credit upon such fine and cost, of not less than 25 cents per day, until the whole is discharged, when he shall be released: Provided, That no person shall be compelled to work longer than three months for any one offense.

14. Said corporation may enter into an agreement with Benton county to be allowed to commit prisoners to the jail or workhouse of Benton county upon such terms as can be agreed upon.

15. To prepare and have published a digest, or compilation of all the ordinances and resolutions of a public nature, in force within six months after the passage of this act, and a like digest as often as may be deemed necessary.

16. No member of the town council shall become a bondsman for any agent, officer or servant of the town, nor to be interested directly or indirectly in any contract with the corporation.

17. To judge of the qualification, election of and returns of its own members, to prescribe rules for the determination of contested elections, and to determine how vacancies shall be filled and to determine all questions in case of ties in any election, and to prescribe rules for the government of the board of mayor and aldermen.

Election for
officers; terms;
electors.

Sec. 6. Be it further enacted, That the first election for mayor and board of aldermen, under this act, shall be held by the sheriff of Benton county, on Saturday after the first Monday in April, 1899, in accordance with the laws of the State of Tennessee. All elections thereafter for the said town of Camden shall be held by the marshal of the corporation, aided by two clerks and two judges, all of whom shall be legal voters of said town, on the first Tuesday after the first Monday in May every year thereafter, after

giving ten days' notice. The voters shall vote by ballot, under such rules and regulations as the board of mayor and aldermen may prescribe, as to the place, hours, etc., of voting, by ordinance. The officers of the town thus chosen shall go into office on the first meeting after the election, and hold office for one year, or until their successors are elected and qualified. The following shall be the qualifications for voting in the town elections:

1. He shall be qualified to vote for state and county officers.

2. Shall have resided for six months next preceding the election within the town limits, or be an owner of real estate within the said limit.

3. A voter's residence is hereby defined as the place at which he habitually sleeps.

Sec. 7. Be it further enacted, That the judges and clerks to hold the election shall be sworn and qualified, according to the election laws of the state, and said election shall be conducted in all respects as all the various state and county elections, by virtue of the election laws of the state. The judges and clerks shall preserve the ballots cast in said election, and file the same, together with the poll lists, with the town recorder, who shall preserve the same.

Judges and clerks of election; conduct of election.

Sec. 8. Be it further enacted, That the persons receiving the highest number of votes, respectively, for mayor and aldermen, shall be declared elected, and it shall be the duty of the officer holding said election to make out and deliver to the recorder a certificate of the election within three days after their election, which certificate shall be produced at the first meeting of the board, and a minute thereof shall be made upon the records of the town. And if the marshal fail to hold said election at the time herein mentioned, it shall be his duty to hold it as soon thereafter as may be, after giving the regular notice, and failure to hold said election, as prescribed in this he shall forfeit and pay to said corporation the of \$25.00, to be recovered by action of debt in name of Camden, and if there be no marshal, or e a candidate for any office, or incompetent for reason, the election shall be held by a person to appointed by the mayor and aldermen, under the

Certificate of election; failure to hold election; marshal incompetent.

dinances of the town are fully enforced, respected and observed, within the town limits, shall call special sessions of the council when he may deem it expedient, and to perform all such other duties as the town council may, by ordinance, or otherwise, impose upon him. A recorder is hereby vested with all the powers of a justice of the peace in criminal cases, and shall try all offenses against the peace and dignity of said town of Camden; Provided, however, That a change of venue may be had in any case when affidavit is made by the accused and at least one disinterested party that justice in their opinion will not be meted out by the recorder, to any alderman of the town of Camden, who is hereby authorized to try and decide such case. In the event an appeal is taken from any fine imposed by the recorder or aldermen of said town, for violation of any of its ordinances to the circuit or criminal court at Camden, Tennessee, the person so appealing shall give bond and security for the payment of said fine and cost, and to abide by and perform the judgment of the court on appeal, and shall in no case be entitled to an appeal from said fine and cost on pauper's oath. The recorder shall keep an accurate minute of all the proceedings of the town council, issue privilege license and collect taxes on same. He shall collect all special taxes levied by the town council, and shall keep a proper ledger account of the same. He shall make out the town tax book and turn the same over to the marshal for collection, taking his receipt therefor under the state laws regulating the assessor of all state and county taxes. He shall act as treasurer, receive from the town marshal, receipt, take care of and keep proper account of all funds of whatever nature that may come into his hands. For such purposes he shall keep such book or books as the town council may direct. He shall make out and present yearly, or oftener, if required by the council, a full and explicit account and report of all finances of the town, which report the council may order published for the information of the town. Before entering upon the discharge of his duties, he shall give bond and good security, conditioned upon the faithful and

Recorder;
change of venue;
appeal;
keep council
minutes; taxes;
financial report;
bond.

Marshal; police power; collect taxes.

honest discharge of all duties pertaining to his office, and similar in all respects to that of the marshal and mayor as hereinafter provided; he shall perform such other duties pertaining to his office as the town council may provide. The marshal shall acquaint himself thoroughly with the laws, ordinances of the town, and it shall be his duty to rigidly enforce the same, for which purpose police authority is hereby given him, which he may exercise without warrant in hand. He shall collect all taxes levied by the council, except privilege and special taxes, and perform such other duties as the town council may, by ordinance, impose upon him. He shall have power to execute state warrants and other process which constables generally have within the town limits. He shall be chief of any police organized within the corporation.

Sec. 11. Be it further enacted, That the fees or compensation of all officers herein mentioned shall be such as the council may prescribe.

Bonds of officers.

Sec. 12. Be it further enacted, That before entering upon the discharge of their duties the mayor, recorder and marshal shall enter into bond with good sureties, and in such amount as may be fixed by the council, conditioned upon the faithful discharge of their duties and upon diligent collection and faithful accounting for all moneys that shall or ought to come into their hands for fines, forfeitures or other moneys due said town, and which ought, by law, to be collected and paid over by them. And the said marshal shall be liable as herein mentioned, for failing to collect money, to return process, or pay over money collected by process issued by the recorder or aldermen. Said bonds shall be filed with the recorder and carefully preserved among the records of the town. Said bonds shall be made payable to Camden, or its treasurer, for the use and benefit of said town. The town marshal shall pay over to the recorder all sums of money by him received for said town of Camden. He shall render quarterly, and as much oftener as the council may require, full and complete statement of the finances under his control.

Marshal to pay money over to treasurer; report.

Jailer to receive prisoners of town.

Sec. 13. Be it further enacted, That it shall be duty of the jailer of Benton county to receive and keep in jail any person who may be committed to

charge for a breach of the by-laws and ordinances of said town, and all riotous and disorderly persons committed to his charge by the town marshal or other officers of the town, for which he shall receive such fees as may be agreed upon by the council, by and with his consent; Provided, The corporation and Benton county agree as hereinbefore provided.

Sec. 14. Be it further enacted, That when any tax or duty shall be levied or imposed by said corporation, upon any real estate lying within said town of Camden, and the owner or owners, occupier or occupiers thereof shall not pay the same, and the town marshal shall make returns of that fact under oath that the owner or owners have no personal property within said town, upon which to distrain for said tax or duty, it shall be the duty of the recorder, by and with the advice and with the consent of the council, to take such steps for the collection of such tax or duties as are or may be provided for by the laws of the state.

Delinquent
taxes, collec-
tion of.

Sec. 15. Be it further enacted, That if the recorder or town marshal of said town, shall fail to collect, or after collecting, fail or refuse to pay over any money either of them received for the use of said town, said recorder or marshal, as the case may be, shall be liable to be proceeded against by motion or suit at common law in the circuit court of Benton county, or in any other court having jurisdiction of the person of the recorder or marshal, as the case may be, and it shall be the duty of such court to render up judgment against such delinquent officer and his sureties for the moneys so received, or that ought to have been collected in the name of Camden, for the use of said corporation; Provided, That if the proceedings be by motion, such officer shall have five days' notice thereof.

Failure to col-
lect or pay over
money; pro-
ceedings.

Sec. 16. Be it further enacted, That the board of mayor and aldermen are forbidden from making appropriations of any money or taxes to be assessed and collected in any other manner than for strictly corporate purposes.

Sec. 17. Be it further enacted, That this act be declared a public law, and may be read in evidence of the courts of law and equity, and all ordinances,

Public law; evi-
dence.

resolutions and proceedings of the board of mayor and aldermen, when printed and published by the authority of the council, shall be received as evidence in all courts and places, without further proof, when certified by the recorder.

Sec. 18. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed March 18, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved March 27, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 191.

SENATE BILL No. 269.

AN ACT to amend chapter 211 of the Acts of 1897, entitled "An act to incorporate the city of Sweetwater, Monroe county, Tennessee, and to provide for the government and control of same, and to establish the school district therein, and to support the same by taxation, and to provide for an election of officers for said city and school district, and to repeal the charter of the old corporation now existing in the said Sweetwater, to provide for the transfer of the property of the old corporation to the new one, and to provide when this act shall go into effect, and for other purposes."

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That article 3, section 2

the acts of the legislature of 1897, passed March 15, 1897, being chapter 211 of the acts of the said legislature of 1897, be so amended as to provide that the town constable or marshal for said city shall be elected by board of mayor and aldermen, at their first regular meeting after they are elected, and at any other meeting where there shall be a vacancy from any cause, and he may be discharged by the board for failure to do his duty or for conduct unbecoming an officer. And said town constable or marshal may be elected as aforesaid without his being a citizen or freeholder of said city. And the name of said officer shall be city marshal.

Said section is further amended so as to provide that all citizens that are qualified voters for members of the legislature and living within, or owning real estate within said city limits, shall be qualified voters, and may vote for said board of mayor and aldermen and magistrate for the city.

Sec. 2. Be it further enacted, That article 10, section 1, of said act be so amended as to provide that the directors of the Sweetwater school district may draw orders or warrants of the city recorder for the amount of school funds collected for school purposes within the city limits, levied by the board of mayor and aldermen, for the school purposes and collected as such within said city, and the recorder shall draw orders on the treasurer and same to be countersigned by the mayor, as other moneys are paid out.

Sec. 3. Be it further enacted, That article 10, section 1, of the said act be so amended as to provide that the school directors for said Sweetwater school district shall be elected by the board of mayor and aldermen, one to be elected by the said board at the first meeting of the said board after each biennial election; Provided, That any vacancies in said board school directors may be filled by said board of mayor and aldermen at any regular meeting, and such persons, when so elected, may fill out the unexpired term of the predecessor.

Sec. 4. Be it further enacted, That all laws, or

parts of laws in conflict
are hereby, repealed.

Passed March 20, 189

JOSI
Speaker of the
Approved March 5
BE

CHAI

House I

AN ACT to provide for
'county into fi

Section 1. Be it enacted
of the State of Tennessee
be redistricted into free
after provided.

Sec. 2. Be it further
school house in DeKalb
independent school distr

Sec. 3. Be it further
elected three free school
created by this act, who
fied voters who are paid
to which their children &
children attend school, as
for a term of one year,
serve more than one term

Sec. 4. Be it further
pose of carrying the fore
effect, that the election
county shall appoint a
hold an election on the
various school districts
purpose of electing thr
the three candidates re

of votes cast at said election shall be declared to be elected, and the result of said election shall be certified by the persons holding said election, to the county superintendent of public schools.

Sec. 5. Be it further enacted, That the term of office of the directors elected in accordance with this act shall begin on the first day of September, 1900, and ever thereafter on the first day of June in each year, and such free school directors are hereby clothed with all the authority and powers as are now conferred upon free school directors in the State of Tennessee.

Sec. 6. Be it further enacted, That the county court of DeKalb county, at its April term, 1900, shall designate the proper number of said districts to be numbered 1, 2, 3, 4, etc.

Sec. 7. Be it further enacted, That the free school directors provided for in section 4 of this act, shall be elected on the first Saturday in May, 1900, and each year thereafter on the first Saturday in May.

Sec. 8. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed March 20, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved March 23, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 193.

HOUSE BILL No. 285.

AN ACT to amend section 2 of chapter 99 of the Acts of 1897, being an act entitled "An act to authorize the building of sidewalks in villages or unincorporated towns, and to prevent persons from riding a horse or driving a team or vehicle thereon."

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That section 2 of chapter 99 of the Acts of 1897, being an act entitled "An act to authorize the building of sidewalks in villages or unincorporated towns, and to prevent persons from riding a horse or driving a team or vehicle thereon," be, and the same is hereby, amended by inserting between the words "so" and "shall" as they appear in the fifth line of said section 2, chapter 99, of the printed acts of 1897, the words, "or shall hitch any horse or other animal to any tree growing on or adjacent to such sidewalks."

Sec. 2. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 4, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 5, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 194.

HOUSE BILL No. 562.

AN ACT to authorize and empower the corporate authorities of the town of Tullahoma to issue interest bearing bonds for the purpose of providing a proper system of sewers in the town of Tullahoma.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the mayor and aldermen of the town of Tullahoma, in the county of Coffee, be, and they are hereby, authorized and empowered, in their corporate capacity, to issue interest bearing coupon bonds of said town, signed by the mayor and recorder of said town, for an amount not exceeding the sum of twenty-five thousand dollars (\$25,000), the proceeds of which shall be used exclusively for the purpose of providing a proper system of sewers in and for the said town of Tullahoma; May issue sewer bonds; election as to. Provided, however, That the said bonds, or any part of them, shall not be issued until an election is first held in said town to determine whether the legal voters of said town favor the issuance of said bonds.

Sec. 2. Be it further enacted, That the mayor and aldermen of said town shall, by ordinance, appoint some suitable time at which to hold such election, and that they shall order and direct the town constable, or other proper person, to open and hold such election, which said election shall be held under such regulations and restrictions as the said mayor and aldermen may provide by law. As to election.

Sec. 3. Be it further enacted, That all persons who are qualified voters to vote for mayor and aldermen of said town, shall be entitled to vote in said election. Electors.

Sec. 4. Be it further enacted, That all persons voting in said election who are in favor of the issuance of said bonds, shall have written or printed on their tickets or ballots, 'In Favor of the Sewer Ballots; three-fourths vote.

Bonds," and all persons who are opposed to the issuance written or printed on them posed to the Sewer Bonds of the whole number of votes shall be in favor of the then the same shall be issued.

Denominations; interest; redemption.

Sec. 5. Be it further enacted, that the bonds shall be in such denominations as the mayor and aldermen may, Provided, That they shall not be less than fifty nor more than one hundred dollars each, with coupons attached payable semi-annually, and not to exceed twenty years; and that the bonds be payable to the order of the United States; Provided, That the bonds may, at the option of the mayor and aldermen, be redeemed at any time at the expiration of five years from the date of issue; and other like bonds may be issued in whole or in part, not, however, to exceed the amount necessary to pay off any unexpired bonds of this issue, as hereinbefore provided.

Sec. 6. Be it further enacted, that the bonds shall not be sold for less than the face value thereof.

Interest and sinking fund tax.

Sec. 7. Be it further enacted, that the board of public works shall pay the interest on said bonds when the same come due, and also to provide for the sinking fund to pay said bonds at maturity, the said board of public works shall annually levy a special tax on the property within the corporate limits of the city, not to exceed fifty cents on the dollar of the assessed value of the property, or the state tax on the property, whichever is less, for each year. And the sinking fund provided for shall be used in the purchase and redemption of the bonds in the manner as the said board of public works shall provide by proper ordinance.

Expended, how; bond.

Sec. 8. Be it further enacted, that the interest arising from the sale of the bonds for the purpose of the sewer, shall be expended under

tion of the board of mayor and aldermen: and that the treasurer of said board or any depository designated by said board, shall be required to give bond, with approved security, for the safe keeping and proper expenditure of said money.

Sec. 9. Be it further enacted, That before said bonds, or any part of them, are issued, they shall all ^{Numbering, etc.} be numbered, together with the coupons attached, and each bond, in addition, shall have the corporate seal attached thereto, and any and all safeguards against counterfeiting as the board may devise and direct.

Sec. 10. Be it further enacted, That the date of issuance, number and amount of each bond, with the ^{Record of bonds.} coupon thereto attached, and to whom sold, shall be entered by the recorder or comptroller in a well bound book, to be provided by the board for that purpose, and which book shall at all times be open to the inspection of the taxpayers of the said town; and the bonds shall be so issued as to have a stub, which stub can be written upon and cut from the bond in such a manner as to leave a small amount of the top or bottom of the writing visible upon the edges of the bond; and this stub, from which the bond has been detached, or cut off, shall be numbered to correspond with the number on the bond, and be well and securely pasted in the book last above referred to, and its canceled coupons being pasted in said book on a leaf for each bond and in the same position and connection as before being separated or detached, and all to be so kept when canceled as to show a clear and correct record of every bond and its coupons.

Sec. 11. Be it further enacted, That this act shall take effect from and after its passage, the public welfare requiring same.

Passed March 27, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

proved March 31, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 195.

SENATE BILL No. 213.

AN ACT to amend an act passed February 2, 1850, amending the charter of the town of Pulaski, so as to authorize the mayor and aldermen to establish, to extend and complete a system of sewerage in said town, to borrow money for said purpose and issue bonds therefor, and to condemn private property for that purpose.

May establish
sewer system.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the act passed February 2, 1850, amending the charter of incorporation of the town of Pulaski, be, and the same is hereby, amended so that the mayor and aldermen of said town shall have and possess full power and authority to establish, to extend and complete a system of sewerage within the corporate limits of said town of Pulaski, and for that purpose to condemn private property wherever the mayor and aldermen shall deem the same necessary.

Condemnation
proceedings.

Sec. 2. Be it further enacted, That the mayor and aldermen of said town of Pulaski shall proceed, in the matter of establishing, extending and opening sewers on and over private property where there is objection made by the owners, in the manner following:

Application shall be made to said mayor and aldermen by written or printed petition, signed by two or more freeholders of said town, which petition shall designate the location for such sewers, giving the names of all the property owners along the route of said sewers, where the same are sought to be opened, established or extended, and said property owners shall have five days' notice of said application, prior to the hearing of said application by the mayor and aldermen, so that said property owners shall have an opportunity of being heard in opposition to said application.

Sec. 3. Be it further enacted, That whenever the mayor and aldermen shall decide in favor of such application to open, establish or extend any sewer, the mayor and aldermen shall appoint, by order on its minutes, three freeholders not related to petitioners or to the interested property owners sought to be affected by said sewer, who shall, after being sworn to act impartially by the parties concerned, examine the premises and assess the damages to each of the property owners affected by said sewer, and they shall report said damages to the mayor and aldermen, and the mayor and aldermen shall cause said report to be recorded in its minutes, and on the payment of said damages into the office of the recorder, for the benefit of the owners of property to whom the same shall be allowed by said report for the right of way for said sewer, the mayor and aldermen shall have the power and authority, and the right to have its street committee to proceed to open and establish said sewer, unless one or more of the property owners interested shall appeal from the decision of the mayor and aldermen to the next term of the circuit court of Giles county, which appeal shall be prayed and perfected by giving the necessary appeal bond within ten days after such decision by the mayor and aldermen.

Assessment of
damages;
appeal.

Sec. 4. Be it further enacted, That whenever the mayor and aldermen shall decide to open or establish such sewer, and after the damages assessed shall have been paid into the office of the recorder, unless appealed from in ten days as above provided, each and every property owner who shall fail or refuse to allow to be opened such sewer on his land, shall be subject to a fine of five dollars for each and every month of his failure or refusal, which may be recovered by the mayor and aldermen by suit before any justice of the peace, for the use and benefit of the corporation of the town of Pulaski.

Fine against
owner, when.

Sec. 5. Be it further enacted, That for the purpose of establishing, laying, opening and completing a system of sewerage for the town of Pulaski, and for other purposes, the mayor and aldermen of said town shall have and possess full power and authority to contract indebtedness and lend its credit to the amount of ten thousand dollars; and to issue interest-

May contract,
issue sewer
bonds, levy in-
terest and
sinking fund
tax, etc.

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DELL,
the Senate.

LLIN,
Governor.

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AN ACT to amend
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Section 1. Be i
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March 3, 1890, ar
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Boundaries.

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Sec. 2. Be it f
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That the government of said town be, and the same Commissioners is hereby, vested in three commissioners, to be elected or appointed as hereinafter directed, one of whom shall be elected mayor, by said commissioners, whose duty it shall be to preside at all their meetings, if he shall be present. Each of said commissioners shall be a bona fide citizen, resident of and freeholder within the boundaries of said town, and shall have been such for three months next preceding his election or appointment as hereinafter provided. A majority of said commissioners shall constitute a quorum for the transaction of business.

One of said commissioners shall be elected treasurer of said town, whose duty it shall be to receive from the town marshal all sums by him collected from taxation and fines, and shall deposit the same in some responsible bank in the city of Chattanooga, Tennessee, and disburse the same upon vouchers, signed by at least two of said commissioners. Treasurer.

Sec. 3. Be it further enacted, That W. B. Mitchell, O. L. Hurlbut and J. B. Ragon, who are bona fide citizens, residents of and freeholders of said town, are hereby appointed commissioners of said town, who shall hold their office until the first Tuesday of April, 1900, and until their successors are elected and qualified, and in the event either of said commissioners shall fail or refuse to qualify, or his office become vacant, the other two commissioners shall elect his successor to fill out the unexpired term. On the first Tuesday of April, 1900, and in every two years thereafter, there shall be held an election in said town for the purpose of electing three commissioners for the government of said town, who shall hold their office for two years, or until their successors shall be elected and qualified. In the event of any vacancy at any time in the offices of said commissioners, the two remaining members shall fill such vacancy until the next regular election. At any time any commissioner shall cease to be a bona fide citizen, resident of and freeholder in said town, it shall be the duty of the other commissioners to declare his office vacant, and elect his successor. Said commissioners shall be required to serve without compensation, and shall hold regular meetings for the transaction of general business. Election for commissioners; term; vacancy; regular and special meetings; oath

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12. To levy and collect taxes on all property and privileges within its limits which are or shall be taxable by the laws of the state; Provided, That no levy shall be made on real and personal property to exceed thirty cents on the \$100 valuation of said property as assessed for state and county taxation, the county assessment being fixed as the basis of taxation; And provided further, That the privilege licenses for saloons shall not be less than \$500 nor more than \$1,000 per year, to be paid in advance, and no license shall be issued for a shorter time than one year.

13. To expend any money belonging to said town in the erection of a school house upon real estate therein, the title to which may be vested in said town of Lookout Mountain.

14. To enact all laws and ordinances necessary and proper to enforce the powers granted and not inconsistent with the constitution and laws of the United States or of the State of Tennessee.

15. To acquire and hold real estate for corporation and school purposes, provided that all contracts for the erection of public buildings shall be let to the lowest responsible bidder after having advertised for such bids.

16. To establish and maintain a system of public schools, and for this purpose there shall be elected at the same time the town commissioners are elected, three school directors, to serve for two years, whose duty it shall be to have charge of all matters relating to the management of said schools; Provided, That this act shall not affect the terms or powers of the present school directors of the nineteenth civil district of Hamilton county.

Sec. 5. Be it further enacted, That section 4 of said act be so amended as to read as follows: That it shall be the duty of the officers charged with the duty of holding elections in Hamilton county to open and hold an election at some convenient place in said town, after having given ten days previous notice by written advertisement posted in at least three public places in said town, and also notice in some newspaper published in the city of Chattanooga, Tennessee, for the purpose of electing three commissioners

Election for
commissioners
and school di-
rectors; elec-
tors.

directors hereinbefore shall be held on the years, the first to be April, 1900. The election shall be paid out of

At said election all persons of the age of twenty-one years in said town for sixty days and all male nonresidents above the age of twenty-one years who have been such freeholders at the election, shall be eligible. Provided, They be qualified by the laws of the state in relation to voters. The three persons receiving the greatest number of votes for directors, respectively, shall be elected for the term of one year. The clerk shall receive a certificate of election and be charged with the duties thereof.

Be it further enacted, That the clerk of the town hereby authorized to take possession of the present common property, papers, records, and other things in possession belonging to the town, and to receive therefrom all funds in the hands of the said present common property, and to be empowered, authorized and empowered, and to receive the said books, papers, and other things, and the commissioners of the town to execute this act.

Be it further enacted, That in connection with such duties as may be imposed upon him by ordinance, the clerk shall be bound with the collection of taxes, and may be imposed by ordinance a bond for the faithful performance of such duties, in such sum as may be determined by ordinance.

Be it further enacted, That this act, and all parts thereof, shall take effect from the said session of 1899.

act, be, and the same are hereby, repealed, and that this act take effect from and after its passage, the public welfare requiring it.

Passed March 29, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved April 3, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 198.

HOUSE BILL No. 262.

AN ACT to create the office of superintendent of the capitol, and to define the duties and powers of the superintendent, and to fix his compensation.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the office of superintendent of the capitol is hereby created. The governor shall appoint a superintendent of the capitol, who shall hold his office from the 15th day of March, 1899, for two years; and every two years thereafter the governor shall appoint a superintendent, who shall likewise hold his office for a period of two years from said date; Provided, He shall be removable at the pleasure of the governor.

Superintendent
of capitol.

He shall receive the sum of \$75.00 per month for his services, payable monthly out of the treasury of the state.

Sec. 2. Be it further enacted, That it shall be the duty of said superintendent to take care of, and preserve the capitol and all the furniture, fixtures and inventory within and about the capitol grounds, and to keep the same in good order. And he shall have authority to preserve order among visitors and people who may be in and around the capitol, and to keep

Duties.

and after the 15th day of March, 1899, the public welfare requiring it.

Passed March 2, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved March 14, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 199.

SENATE BILL No. 427.

AN ACT to abolish the offices of and remove certain district attorneys and their assistants, and apportion and divide the criminal business among the remaining district attorneys of the state.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the offices of attorney-general and assistant attorney-general for Knox county be, and the same are hereby, abolished, and said officials removed, and that the duties that have heretofore been exercised by said officers in the criminal court of Knox county and circuit court of Sevier county shall be performed by the attorney-general of the second judicial circuit and his assistant; and for this purpose said attorney-general is allowed one assistant, to be appointed by himself, at a salary of eighteen hundred (\$1,800) dollars per year, to be paid quarterly out of the treasury of the state as are the salaries of attorneys-general.

Office of attorney-general and assistant for Knox county abolished.

Sec. 2. Be it further enacted, That the office of attorney-general of the third judicial circuit be, and the same is hereby, abolished, and the incumbent thereof removed, and the duties heretofore performed by the incumbent of said office shall devolve upon and be performed by the attorneys-general of the

Office of attorney-general for third judicial circuit abolished.

circuit to which the counties of said thi
been transferred.

Sec. 3. Be it further enacted, Tha
attorney-general of Montgomery coun
same is hereby, abolished, and the inc
removed, and that the duties heretofore
that official shall devolve upon and be
the attorney-general of the tenth jud

Sec. 4. Be it further enacted, Tha
attorney-general of the nineteenth jud
and the same is hereby, abolished, a
bent thereof removed, and that the du
performed by that official shall, in Dicl
man counties, devolve upon and be per
attorney-general of the tenth judicial
the county of Cheatham by the attor
the criminal court of Davidson count
liamson county by the attorney-genera
judicial circuit.

Sec. 5. Be it further enacted, That
general of the criminal court of the el
circuit shall attend upon and perform
that office, as prescribed by law, in the
of the counties that compose that c
Madison, Chester, McNairy, Hender
Perry, and Benton.

Sec. 6. Be it further enacted, Tha
effect thirty days after the final adjou
present general assembly, the public
ing it.

Passed April 4, 1899.

SEID WAD
Speaker of

JOSEPH W. B
Speaker of the House of Rep

Approved April 6, 1899.

BENTON McM

CHAPTER 200.

SENATE BILL No. 172.

AN ACT to amend an act entitled "An act to establish taxing districts in this state, and to provide the means of local government for the same," passed January 29, 1879, and the amendments thereto, so as to provide that the members of the board of fire and police commissioners, and the supervisors of the board of public works, shall be residents of such taxing districts or territory annexed thereto for five years preceding their election or appointment.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That an act entitled "An act to establish taxing districts in this state, and provide the means of local government for the same," passed January 29, 1879, and the amendments thereto, be, and the same are hereby, so amended as to provide that in all future elections or appointments of members of the board of fire and police commissioners and the supervisors of the board of public works of such taxing districts, no person shall be elected or appointed a member of the board of fire and police commissioners, or a member of the board of public works, unless he shall have been a resident voter and taxpayer of such taxing district for not less than five years preceding his election or appointment, unless he shall have resided during the five years preceding his election or appointment in territory that has been annexed to and at the time of such election or appointment forms a part of such taxing district, but it shall not be necessary for the territory in which such person resides to have been annexed for five years.

Sec. 2. Be it further enacted, That nothing in this act contained shall render any person ineligible to the office of fire and police commissioner of such taxing district who has resided for five years preceding

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Whereas, Said bonds draw interest at the rate of six per cent., payable semiannually; and,

Whereas, Said municipal corporation of the board of mayor and aldermen of the town of Morristown is desirous of funding said bonded indebtedness to the end that bonds may be issued bearing a less rate of interest in lieu and place of said bonds outstanding; therefore,

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That it shall be lawful for the said board of mayor and aldermen of the town of Morristown to fund its said bonded indebtedness or any part thereof maturing September 1, 1911, July 1, 1925, and July 15, 1930, up to the sum of seventy thousand (\$70,000) dollars, but not exceeding that sum, by the issuance of its coupon bonds in the manner and under the restrictions hereinafter provided.

May issue
bonds.

Sec. 2. Be it further enacted, That the bonds issued for the above purpose, and under this act, shall be of such denominations, bear such rate of interest, which must be less than six per cent. per annum, and be due in such time not less than ten nor more than thirty years from date, and be payable at such times and places as the corporate authorities may determine. All said bonds issued for the above purpose shall be payable in lawful money of the United States, at such times after their issuance upon the payment of the principal and accrued interest up to the time of payment, as the corporate authorities may determine, and shall show on their face that they are issued under and in pursuance of the authority of this act.

Denomination,
interest, term,
etc.

Sec. 3. Be it further enacted, That the bonds provided for by this act shall be signed by the mayor and recorder of the town, and in no case be sold for less than par, and the coupons attached shall, as they mature and become due, be receivable for all taxes and to the corporation, except the sinking fund tax hereinafter provided for.

Coupons
receivable for
taxes.

c. 4. Be it further enacted, That before the issuance hereunder of any bonds, the corporation shall provide by ordinance for a sinking fund wherewith to pay the bonds by levying a special tax on property, to be designated "The Sinking Fund Tax," the

Sinking fund
tax.

tax to run with the bond, and used exclusively to be sufficient, with interest, to pay the indebtedness at maturity.

Sinking fund
commissioners,
term of
office.

Sec. 5. Be it further enacted, that before issuing any bonds under this act, shall, through the board of directors, elect three citizens to be known as the sinking fund commissioners, who shall be elected for three years, and until their successors shall be so elected the said commissioners shall be done by electing a commissioner whose term of office shall be three years, as provided in this act.

Oath; bond;
compensation.

Sec. 6. Be it further enacted, that the commissioners shall take and subscribe to an oath of office, and before any person authorized to receive the same, and faithfully discharge their duties, and otherwise qualify themselves, and the authorities may prescribe the compensation as the corporation may deem proper. Said commissioners shall be authorized, on giving the required bond, to receive the sinking fund for the liquidation of the same, and whose funding is provided for in the sinking fund so received, and of the sinking fund for the purpose herein authorized to be done.

Invest sinking
fund taxes.

Sec. 7. Be it further enacted, that the commissioners shall receive the proceeds of the sinking fund taxes, and shall invest the same in such manner as will best interest the corporation, and they may, in such manner, and with such authority, by ordinances, may do

Sec. 8. Be it further enacted, That the bonds authorized to be issued under this act shall be issued for the purpose of funding the bonded indebtedness of the said corporation as provided and set out herein, and if issued for any other purpose they shall be void. All bonds of the corporation funded and called in by the issuance of the bonds provided by this act, shall be canceled in the presence of the board of mayor and aldermen, and in such manner as may be determined by ordinance.

Purpose of
bond issue;
cancellation.

Sec. 9. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed March 14, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved March 27, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 202.

HOUSE BILL No. 252.

AN ACT to amend an act entitled "An act to provide for and regulate the salaries of clerks and masters, clerks of the various county, circuit, special, and criminal courts, county trustees, registers, sheriffs, and clerks of the supreme court; to provide for the disposition of the fees of their offices; to provide salaries for said offices, and for the appointment thereof; to regulate the number and provide for the appointment, removal, and compensation of the deputies of said officers; to regulate the duties of said officers; to make a violation of certain provisions of this act a felony,

and provide punishment thereof regulate the rights, duties, and officers," being chapter 124 general assembly of the State 1897, so as to provide for the additional deputy by county cities of 90,000 inhabitants or census of 1890, or any subsequent who shall be appointed by the and to define the duties of said and to fix the salary of said d

Section 1. Be it enacted by the of the State of Tennessee, That a salaries of clerk and master, clerk county, circuit, special, and criminal trustees, registers, sheriffs, and clerk court; to provide for the disposal of their offices; to provide salaries for the payment thereof; to regulate provide for the appointment, resignation of the deputies of said officers; to make duties of said officers; to make provisions of this act a felony, punishment therefor; and to otherwise duties, and liabilities of said officers 124 of the acts of the general assembly of Tennessee, be, and the same provide that county court clerks in inhabitants or over, by the federal or any subsequent federal census appoint one clerk in addition to by law, whose duties it shall be county licenses, and perform such may be allotted to them by said and whose salary shall be one hundred per month, to be paid as the salaries of such county court clerk the provisions of said act; Provide such additional deputy is employed file with the county judge or clerk court an oath that the duties here performed by any one of the deputies employed and allowed by said act, that an additional deputy is necessary.

Sec. 2. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed March 29, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 5, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 203.

HOUSE BILL No. 264.

AN ACT to authorize school commissioners in the nineteenth and twentieth civil districts of Monroe county, Tennessee, to sell the school lands and the growing timber on the school lands in said districts.

Whereas, The school land in section sixteen (16) second fractional township south, range sixth (6) east of the basin line in the Ocoee land district, being six hundred and forty acres, remains unsold, said school land section, lying partly in the nineteenth and partly in the twentieth civil districts of Monroe county, Tennessee, the middle or main prong of Tellico river being the dividing line between said districts, and running through said section, giving a part of said section to the nineteenth and a part to the twentieth district; and,

Whereas, Said lands are practically unfit for cultivation, and valuable principally for the timber there-
but being remote from market heretofore the
er could not be sold at a fair price, and there
being a market, and an opportunity to sell said
er, or a part of the same, at a fair price, and it
g to the interest of the school children in said
icts that said timber be sold and the money used
educational purposes; therefore,

CHAPTER 204.

SENATE BILL No. 464.

AN ACT to amend an act entitled "An act to provide for the creation and organization, and defining the powers of municipal corporations embracing territories of cities having a population of 36,000 and upwards, according to the federal census of 1880, whose charters have been abolished," being chapter 114, Acts of 1883; and to repeal sections 3, 7, 8, 9, 26, and 33, of said chapter 114 of the Acts of 1883; and to repeal sections 1 and 2 of chapter 127 of the Acts of 1893, entitled "An act to amend chapter 114 of the Acts of 1883 entitled 'An act to provide for the creation and organization, and defining the powers of municipal corporations embracing territories of cities having a population of 36,000 and upward, according to the federal census of 1880;'" and to repeal chapter 159 of the acts of the general assembly of 1891, being an act entitled "An act to amend an act entitled 'An act to provide for the creation and organization, and defining the powers of municipal corporations embracing territories of cities having a population of 36,000 and upward, according to the federal census of 1880, whose charters have been abolished,'" passed by the general assembly of the State of Tennessee, March 21, 1883, and approved by the governor March 27, 1883, so as to provide for the eligibility of persons residing in the territory recently annexed to said municipal corporations to the office of mayor and councilmen;" and to repeal section 3 of chapter 8 of the acts of the general assembly of 1893 entitled an act to amend chapter 114 of the acts of assembly of 1883, entitled act to provide for the creation and organization, defining the powers of municipal corporations embracing territories of cities having a population of 36,000 and upwards, according to the federal census of 1880, whose charters have been

abolished, by providing
and fixing its powers a

Ch. 127, Acts
1893, secs. 1 and
2, repealed.

Section 1. Be it enacted
of the State of Tennessee
chapter 127 of the acts o
the year 1893, entitled an
Acts of 1883, entitled “
creation and organization
municipal corporations, en
having a population of 3
ing to federal census of
been abolished,” be, and
pealed.

Ch. 159, Acts
1891, repealed.

Sec. 2. Be it further e
Acts of 1891, entitled ar
titled “An act to provide
ization and defining the p
rations embracing territor
lation of 36,000 and upwa
census of 1880, whose cha
be, and the same is hereby

Ch. 114, Acts
1883, sec. 26,
repealed.

Sec. 3. Be it further e
chapter 114 of the acts c
1883, entitled “An act to j
organization and defining
corporations,” be, and the

Id., sec. 3,
repealed.

Sec. 4. Be it further ens
act be, and the same is he

Corporate
authorities.

Sec. 5. Be it further en
the acts of the general ass
as follows: “The corporate
trolled by this act shall be
council, a board of public
board of education, a boar
sioners, and in such office
elected in pursuance of la

City council;
of whom com-
posed.

Sec. 6. Be it further
further amended as follo
of said corporation shall
body, which shall be desi
The city council shall be c
men, who shall be elected
eral election, but not mor
siding in any one ward of

The qualified voters of each ward shall choose one councilman to represent said ward in the city council. Should any councilman remove from his ward, his office of councilman shall thereupon become vacant. ^{Tie vote.} In case of a tie vote in any ward between candidates for councilman receiving the highest number of votes cast for councilman in the ward, the election shall be referred back to the voters of the ward, and held as before, within the next succeeding twenty days. At said special election no candidates shall be voted for except those candidates receiving in the general election the highest number of votes. No person shall be eligible to the office of councilman ^{Who eligible.} who is not a citizen of Tennessee, and who has not been a resident of said city wherein he is elected for at least five years immediately preceding his election. No person shall be eligible to the office of councilman who has not attained the age of twenty-five years, and who has not been a resident of his ward for at least one year immediately preceding his election; Provided, That all persons resident of any territory that has been annexed to the said municipal corporation, otherwise qualified, shall be eligible to the office of city councilman who are at the time of their election residents of the territory so annexed, and have been residents thereof for a period of not less than one year immediately preceding their election, and residents of Tennessee five years immediately pre- ^{Oath.} ceding their election. Each councilman shall, before entering upon the duties of his office, take and subscribe to the following oath: 'I do solemnly swear that I will support the constitutions of the State of Tennessee and the United States, and that I will faithfully and impartially discharge the duties of councilman without fear or favor, and solely for the public welfare. So help me God.' Whenever any ^{Vacancy.} vacancy shall occur in said city council a special election to fill said vacancy shall be held within twenty days thereafter in the ward unrepresented by reason of such vacancy in said council. To enable the city council to investigate charges against its own members, or any other city officials, it shall have the power ^{Charges against members or officials; investigating committee.} appoint an investigating committee, which shall have full and complete power and authority to order,

appoint time and place of, and hold of the matters committed to them, poenas compelling the attendance of the production of books, papers, and documentary evidence, and to punish proceedings any persons failing or refusing to obey their summons, or give or appear before them. The chairman of said committee shall have power to fine and imprison such persons of contempt. The said committee shall report its findings in writing to the city council, and the council may take such action upon said report as they may deem proper, but no official shall be removed from office except by a two-thirds vote of the council. It shall be the duty of the council to investigate and punish by removal from office officials who, having been sworn as such by the mayor, have been adjudged guilty by the court of the charges preferred against them by a two-thirds of the whole number of the council in favor of such action. The city council shall hold its meetings at such times as it may determine, but not exceeding two regular stated meetings each month. Each councilman shall receive as compensation (\$5) dollars for each regular meeting. No councilman shall receive any compensation for any regular meeting that he fails to attend, or for attending more than a regular meeting, and no councilman shall receive any compensation for his attendance at any called meeting of the council, except when he is sitting as a court of impeachment, when the chairman of the council shall preside. No bill shall be passed without first having been passed on the first reading by a majority vote, on the third reading a majority vote of the whole council. No bill shall be re-passed unless said bill shall have been signed by the mayor without his signature, as provided in the charter. The city council shall not suspend its rules or suspend its business up and pass an ordinance on more than one day. No bill shall pas

meetings of
council; pay of
councilmen.

stage of bill.

on the day on which it is introduced. No amendment shall be made after the second reading. There shall be no reading of a bill save at a regular meeting. Every bill shall be introduced in triplicate, one copy of which shall be kept by the recorder. All bills shall be read in full to the city council at each reading of the same. No bill shall become an ordinance, nor resolution shall be adopted, unless finally passed by a majority of all the members of the council, and the vote be taken by ayes and noes, and the names of the councilmen voting for and against the same be entered on the minutes. No bill for the grant of any franchise, or the issuance of any bonds, shall be put upon final passage within ninety days after its introduction, and no franchise shall be renewed before one year prior to its expiration."

Sec. 7. Be it further enacted, That sections 7, 8, and 9 of said act be, and the same are hereby, repealed.

Ch. 114, Acts
1883, secs. 7, 8,
9, repealed.

Sec. 8. Be it further enacted, That said act be further amended as follows: "The mayor shall be an elector of the city at the time of his election, and must have been such for at least five years immediately preceding that time, and must not be under thirty years of age at the time of his qualification. The compensation of the mayor shall be \$3,000 per annum, and may be changed by ordinance, but not during his term of office. He shall be entitled to a secretary, who shall be appointed by said mayor, and whose salary shall be \$600 per annum. The mayor shall, before entering upon the duties of his office, take and subscribe to the following oath: 'I do solemnly swear that I will support the constitutions of the State of Tennessee and the United States, and that I will faithfully, zealously, and impartially discharge the duties of mayor without fear or favor, and for the public welfare. So help me God.' The mayor shall be elected at the general election by the qualified voters of the city, and shall hold office for years, or until his successor is elected and qualified and shall be ineligible to hold the office of mayor more than two terms in succession. The mayor shall vigilantly observe the official conduct of all officers, and the manner in which they execute their duties and fulfill their obligations. He shall

Mayor, who
eligible as;
compensation;
secretary.

Oath.

Election; term.

| | |
|--|---|
| Mayor may fill vacancies pro tem. and suspend for cause. | have power to make pro tempore vacancies occasioned by sickness or disabilities of any city officer, an officer for misconduct in office, neglect of duty, reporting his act therefor in writing to the next regular meeting of the city council; and the city council may suspend him at the first regular meeting after the expiration of the term of the reasons by the mayor, unless he is offered by the party suspended. |
| May inspect official records. | The books, records, and official communications of officers and persons in the city shall at all times be open to his examination. He shall take special care of the books and records of all departments, and persons are kept in legal and proper custody. |
| Recommend measures. | He shall, from time to time, propose proper officers of the different departments and measures as he may deem best for the interest of the city. He shall have a general supervision of all the departments and public institutions, and see that they are honestly, economically and fully conducted. He shall have the right to attend the meetings of any of the boards or commissions, and offer suggestions at such meetings. |
| Preserve order. | He shall see that proper measures for the preservation of the peace and the suppression of all riots and disturbances, which purpose he may use and enforce; if such police force is insufficient, he may call upon the governor for military aid. In case of riots or tumults shall be promptly suppressed. The mayor shall see that all contracts and agreements with the city are faithfully performed. The mayor must keep a record of all proceedings as may be necessary. |
| Enforce or annul contracts. | He may annul all franchises or contracts which have been granted or entered into by any person who has been forfeited in whole or in part, if the reason are illegal, void, and in violation of the city. The city attorney, on demand, shall institute and prosecute the enforcement of this provision. The mayor shall be the executive officer of the city, and shall be responsible for the proper execution of all ordinances, and contracts of the city. |
| Chief executive officer. | |

duty of the mayor to carefully examine all bills and ordinances passed by the city council, and should either or any of them not meet with his approval, then he shall return the same to the next regular meeting of the city council with his objections in writing. And no law or ordinance so vetoed by the mayor shall go into effect unless the same be passed by a two-thirds vote of the whole number of the members of the city council. The mayor shall be required to veto only such features in a bill as he may deem objectionable, and he may approve the residue of the same bill. If the mayor fail to return any law or ordinance, as aforesaid, at the first regular meeting after its passage, he shall be deemed to have approved the same, and it shall become a law without further action. The mayor may, whenever in his judgment the good of the city requires it, call special meetings of the city council, and when so called, he shall state by message the object for which it shall have been convened, and the business of such meeting shall be restricted to the object or objects so stated. He shall at least once in every three months cause to be presented to the city council a full and complete statement of the financial condition of the city. The mayor shall from time to time communicate to the city council such information, and recommend such measures, as may, in his judgment, tend to the improvement of the finances and the general welfare of the city. He shall take care that all the ordinances are duly respected and observed within the city. He shall have the power and exercise the functions of a justice of the peace, but only for the preservation of the peace within the limits of the city, and public parks and grounds without the city belonging to the city. He shall have power to bid in property for the city at all tax and judicial sales when the city is a party. It shall be the duty of the mayor to enforce all police powers of the city."

May veto ordinances.

Approval presumed, when.

Special meeting.

Financial report.

Power of justice of peace.

May bid in property at tax sale.

Ch. 114, Acts 1883, sec. 12, amended.

aid Sec. 9. Be it further enacted, That section 12 of act be amended by striking out the words "Board Councilmen," and substituting therefor the word Mayor."

aid Sec. 10. Be it further enacted, That said act be further amended as follows:

cessor can be elected at the next regular election to fill out the unexpired term. All bills for public improvement and public expenditure shall be prepared and signed by the board of public works, and introduced in the city council by the board of public works, and said bill shall be known as the bill of the board of public works.

Prepare bills for public improvement, etc.

Sec. 11. Be it further enacted, That section 3 of chapter 8 of the Acts of 1893, entitled "An act to amend chapter 114 of the acts of Assembly of 1883, entitled 'An Act to provide for the creation and organization, and defining the powers of municipal corporations embracing territories of cities having a population of 36,000, and upward, according to the federal census of 1880, whose charters have been abolished,' by providing for a board of education and fixing its powers," be, and the same is hereby, repealed.

Ch. 8, Acts 1893, sec. 3, repealed.

Sec. 12. Be it further enacted, That said chapter 114 of said Act of 1883 be amended as follows:

"There shall be a board of education, composed of nine members, who shall have been bona fide residents of such city at least five years immediately preceding their appointment, and who shall be not less than twenty-five years of age, and who shall serve without compensation. Said members of said board shall be appointed by the mayor, subject to confirmation by a majority vote of the whole number of city councilmen. All of said members of said board shall be appointed by the mayor before the first regular meeting of the city council in January succeeding the next general election. Said board shall, by lot, choose three members from among themselves who shall serve one year, three members who shall serve two years, and three members who shall serve three years; and, thereafter, three members of said board shall be appointed by the mayor each year, subject to confirmation by a majority vote of the whole number of city councilmen, to fill vacancies thus occurring, the terms of office of said board shall begin on last Monday in January of each year. Before entering upon the duties of his office, each member of said board shall take and subscribe to the following oath:

Board of education; mayor to appoint, subject to confirmation by council.

Terms.

I do solemnly swear that I will support the con-

stitutions of the States, and that I will charge the duties of considerations that shall teachers and other be their fitness for the city; and I am in ten.'"

"Immediately after elect a chairman from preside at all meetings of said board and transaction of all business."

Sec. 13. Be it further 114 of the Acts of 1890 follows:

"There shall be three members, who of residents of such city for prior to their appointment board shall be reputed shall serve without compensation years. They shall be subject to confirmation number of city council said board shall be the first regular meeting, succeeding the shall, by lot, choose who shall serve one serve two years, and three years; and, the board shall be chosen confirmation by a majority of councilmen, each year; and the terms Monday in January, upon the duties of the board shall take and

"I do solemnly swear institutions of the States, and that I will charge the duties of general welfare of the

"Immediately upon qualifying, said board shall elect one of its members as chairman, who shall pre-
side at all meetings of the board, and the clerk of
the board of public works shall be the clerk of said
board. The board of health shall, immediately after
its organization, elect a city health officer, who shall
have been a bona fide resident and a practicing physi-
cian of such city for at least five years immediately
prior to the time of his appointment, and whose
salary shall be \$1,500 per annum, payable monthly,
and whose term of office shall be two years from the
date of his election."

Chairman and
clerk.

City health
officer; salary;
term of office.

Sec. 14. Be it further enacted, That said chapter
114 of the Acts of 1883 be further amended, as fol-
lows:

"That the treasurer, comptroller, city marshal, and
tax assessor of such city shall be bona fide residents of
such city for at least five years immediately prior to
their election. They shall be elected by the qualified
voters of such city at the general election and hold
office for a term of four years, or until their succes-
sors shall have been elected and qualified. The sala-
ries of said officers of treasurer and comptroller shall
be \$2,500 per annum, and that of the tax assessor
\$1,800 per annum, and that of the city marshal
\$1,500 per annum, payable monthly. In the event
of a vacancy in any one of said offices the mayor shall
appoint a suitable person to fill said vacancy, who
shall hold office until the next biennial election, when
a successor shall be elected to fill the unexpired term.
The city treasurer, comptroller, and tax assessor shall
each be entitled to one assistant. The compensation
of the assistant treasurer and assistant tax assessor
shall be \$1,000 per annum, payable monthly. The
compensation of the assistant comptroller shall be
\$1,200 per annum, payable monthly."

Treasurer,
comptroller,
city marshal,
and tax as-
sessor; elected,
when.

Salaries.

Mayor to fill
vacancy.

Assistants to
treasurer,
comptroller,
and tax as-
sessor; salaries.

Sec. 15. Be it further enacted, That said chapter
of the Acts of 1883 be further amended, as fol-
lows:

That every ordinance involving the granting by
city of any franchise, or amendments to existing
franchises, for the supply of light or water, for the
erection or sale of any public utility, for the exemption
of any quasi-public corporation from duties imposed

As to fran-
chises, leases,
exemptions,
rights of way,
issuing bonds,
etc.

except out of the taxes for school purposes, received during said month, deduct ten per cent. from the aggregate thereof and deposit the same in one or more of the city depositories to the credit of "sinking fund;" and he shall open and keep in his books in his office an account designated "Sinking Fund Account," which shall show accurately and specifically all payments made into and all disbursements made out of said sinking fund, and no disbursement out of said sinking fund shall be made for any purpose except as hereinafter directed. The moneys paid into the sinking fund, as aforesaid, shall be used only and exclusively for the purchase, retirement, or payment of any outstanding bonds of the said city subject to call. At the end of each quarter, or period of three months, the funding board, with the accumulation of money in the said sinking fund, shall buy any of the outstanding bonds of the city at the lowest price at which they are offered, or can be obtained, not exceeding par and accumulated interest; and in the event the funding board shall be unable to buy said bonds at less than par, as herein authorized, it shall call as many of said bonds as there are funds on hand sufficient to pay the principal and accrued interest thereon. Said bonds, which it is intended and designed by said funding board to pay, redeem, and retire, shall be designated by number in the call, and such call shall be published and advertised for not less than thirty days in one or more of the daily papers published in such city controlled by this act. The call for bonds, as aforesaid, shall fix and designate the time when, and the place where, the holders thereof shall deliver them for payment, and the place of payment shall be the treasurer's office of such city. Interest on the bonds called shall cease on the day fixed in the said call for their payment and redemp-

Sinking fund account.

Sinking fund, for what used.

May call bonds by number for redemption.

When said bonds, called as aforesaid, shall be entered for payment and redemption, and are paid redeemed, they and the coupons thereon shall canceled forthwith, and after cancellation, shall held and securely pasted in a well-bound book for that purpose. There shall be added to the sinking fund annually whatever surplus remains in the treasury at the close of business on the 31st

Redemption and cancellation.

Surplus at end of year added to sink'g fund.

partment; Provided further, That this provision shall not apply to the sinking fund."

Sec. 18. Be it further enacted, That said chapter 114 of the Acts of 1883 be further amended, as follows:

"There shall be a judge of the city court, who shall be elected by the qualified voters of such city at the general election, and who shall hold office for four years, and shall be ineligible to succeed himself. Said judge shall be a qualified voter of such city for at least five years immediately prior to his election, and shall not be less than twenty-five years of age at the time thereof. Before entering upon the execution of the duties of his office, he shall take and subscribe to the following oath: 'I do solemnly swear that I will support the constitutions of the State of Tennessee and the United States, and that I will faithfully and impartially perform the duties of my office without fear or favor. So help me God.' The salary of said judge shall be \$1,500 per annum, payable monthly."

City judge; election; term of office.

Oath.

Salary.

Sec. 19. Be it further enacted, That said chapter 114 of the Acts of 1883 be further amended, as follows:

"There shall be a city attorney of said city whose term of office shall be two years from the date of his election, and whose salary shall be \$2,500 per year, payable monthly. He shall be elected by the qualified voters of the city at the general election."

City attorney; term; election; salary.

Sec. 20. Be it further enacted, That chapter 114 of the Acts of 1883, be further amended, as follows:

"Where the estimated expenditure for any public improvement, taken as a whole, amounts to more than \$500, before contracting for any part or portion thereof, whether the estimated cost of said part or portion amounts to more or less than \$500, the board of public works shall transmit to the city council of such city, with its recommendations, an ordinance authorizing said expenditure, with an estimate of the cost thereof. Said ordinance shall be signed by said board, and shall be known as the bill or ordinance of the board of public works."

Ordinance as to public improvement over \$500.

c. 21. Be it further enacted, That chapter 114 of the Acts of 1883 be further amended, as follows:

prior to such trial. Said charge or charges shall plainly and specifically set forth the offense or offenses charged, and shall be recorded by said board in a journal kept for that purpose. No officer, patrolman, fireman, or other employe, of said departments shall be tried or punished for a political or religious belief or practice. For the purpose of investigating the conduct of any such officer, patrolman, fireman, or other employe, of said departments said board shall have the power to issue subpoenas compelling the attendance of witnesses, the production of books, papers, and other documentary evidence, and to punish by contempt proceedings any person failing or refusing to answer or obey said summons, or give or produce testimony before said board. Said board shall have power to fine and imprison such persons guilty of such contempt. All punishments inflicted by said board shall be entered in a journal kept for that purpose, and said board shall notify the board of public works of any and all dismissals from office, or of any reductions in the rank of such employes, and the board of public works shall thereupon appoint some other suitable person to fill said vacancies; Provided, That such vacancies among the officers of said police and fire departments caused by such dismissals or disratings, shall be filled by said board of public works by promotion from inferior ratings. The board of public works shall have the exclusive right and power, and it shall be its duty to appoint the officers, patrolmen, firemen, and other employes of the police and fire departments of such city, but the exclusive supervision and control of such appointees shall be vested in the mayor of such city. The board of police and fire commissioners shall hold at least one regular meeting each month, but the mayor may convene said board in extraordinary session whenever, in his judgment, he may deem it necessary. The secretary of the mayor shall be clerk of said board. Three members of the board shall constitute a quorum for the transaction of all business."

May issue subpoenas and punish for contempt.

Vacancies filled by board of public works.

Board of public works to appoint, mayor to supervise.

Meetings of board of police and fire commissioners; clerk; quorum.

Sec. 25. Be it further enacted, That chapter 114 of the Acts of 1883 be further amended as follows: General election of officers.

At the next general election after the passage of this act there shall be elected, in pursuance hereof, a

wenty councilmen, three
public works, a city treas-
urer and city marshal,
the city court, for such
who shall be sworn into
wing said election."

6. Be it further enacted
acts of 1883 be further
son shall be qualified to
of the board of public
comptroller, or city attor-
nery, or judge of the c
been a bona fide residen
months immediately pr
tion; nor shall any per
city councilmen who sh
a resident of said ward
tely preceding said electi

7. Be it further enacted
laws in conflict with this
by, repealed.

8. Be it further enacted
on and after its passage
it.

April 5, 1899.

JOSEPH
Speaker of the House of

SEID
Speak

ved April 12, 1899.

BENTON :

CHAPTER 205.

SENATE BILL No. 306.

AN ACT to create a state text-book commission, and to procure for use in the public free schools in this state a uniform series of text-books; to define the duties and powers of said commission, and other officers; to make an appropriation for the carrying into effect this act, and to provide punishment and penalties for the violation of the same.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the governor and state superintendent of public instruction, together with three members of the state board of education to be named by the governor, shall be, and are hereby, constituted a state text-book commission, whose duty it is to select and adopt a uniform series or system of text-books for use in the primary and secondary public schools in the State of Tennessee, and for use in the incorporated cities or towns in the high graded common schools. Said commission is hereby authorized, empowered, and directed to select and adopt a uniform system or series of text-books for use in the public schools in this state, as above indicated, and when so selected and adopted, the text-books shall be used for a period of five years, in all the public schools of this state, and it shall not be lawful for any school officer, director, or teacher to use any other books upon the same branches, other than those adopted by said state text-book commission. Said uniform series shall include the following branches of study, to wit: Orthography, reading, writing, arithmetic, geography, grammar, language lessons, history of Tennessee, containing the constitution of state, history of the United States, containing the constitution of the United States, physiology, and hygiene, elementary geology of Tennessee, elementary principles of agriculture, elements of algebra,

Of whom composed.

Adopt a uniform series; used for five years.

What studies to be included.

subcommis-
sion; to report
specimen
books sub-
mitted.

report books
in three classes

elements of plain geometry, philosophy, bookkeeping, penmanship, rhetoric, and higher branches of study in addition the commission may select and high graded common schools and towns of this state said text-books shall contain no sectarian character. It is the duty of said subcommission to appoint a subcommittee selected from among the superintendents actually engaged in business in this state, provided that one of these shall be taken from each district, to whom shall be referred all state text-book commission proposals, upon which bids are to be made. It is the duty of said subcommission to examine and report upon all books submitted irrespective of the price, the subject-matter of the book, the material and mechanical quality, the suitability and desirability of the book, if they are desired and intended for use in the schools. It is the duty of said subcommission at such time as said commission may determine, to arrange each book in its proper class, and to report upon the merits and demerits of each book. If a book is their first choice, they shall so report, and if a book is their second choice, they shall so report, and so on, pursuing this course until they have reported upon each branch of study. The commission shall consider all books of the same subject, or of the same proximately equal merit, as they shall so report, and if they find that any of the books offered are inferior and not worth recommending, they shall so report, so designating the books in their report they shall make such suggestions to the commission as they may deem advisable and proper to make. All books submitted shall be kept secret and sealed up.

tary of the commission, and said report shall not be opened by any member of the commission until the commission shall meet in executive session to open and consider the bids or proposals of publishers, or others, desiring to have books adopted by said commission. Each member of said subcommission, before entering upon the discharge of his duties, shall take and subscribe to an oath to act honestly, conscientiously, and faithfully, and that he is not directly or indirectly, in any manner, interested in any of the proposed contracts, nor in any book, or publishing concern publishing any books of the kind or character contemplated for use in the public schools of this or any other state, and that he will examine all books submitted carefully and faithfully and make true report thereon, as herein directed and prescribed. Said oath shall be filed in the office of the secretary of state. Said text-book commission shall hear and consider said report in its selection and adoption of the uniform series of text-books, and shall also themselves consider the merits of the books, taking into consideration their subject-matter, the printing, binding, material and mechanical qualities, and their general suitability and desirability for the purposes intended, and the price of said books, and they shall give due consideration and great weight to the report and recommendations of said subcommission; Provided, That no text-book the subject-matter of which is of inferior quality, shall be adopted by the text-book commission. Said commission shall select and adopt such books as will, in their best judgment, accomplish the ends desired, and they are hereby authorized and directed, in case any book or books are deemed by them suitable for adoption, and more desirable than other books or book of the same class or division submitted, and they further consider the price at which such book or books are offered to be reasonably high, and that it should be offered at maller price, to immediately notify the publisher offerer of such book or books of their decision, and nest such reduction in price as they deem reasonable or just, and if they and such publisher shall see on a price, they may adopt this book or books, if not, they shall use their own sound judgment

Report secret;
when opened.

Subcommis-
sion to take
oath.

Commission to
select books;
what to guide.

When price
high, reduction
suggested.

All bids shall be sealed and deposited with the secretary of state to be by him delivered to the commission when they are in executive session, for the purpose of considering the same, when they shall be opened in the presence of the commission.

Sec. 3. Be it further enacted, That it shall be the duty of the said text-book commission to meet at the time and place designated in such notice, or advertisement, and take out the sample or specimen copies submitted, upon which the bids are based, and refer and submit these to the subcommission, as provided for and directed in section 1 of this act, with instructions to said subcommission to report back to them at a time specified, with their report, classification, and recommendations, as provided in section 1. When the said report is submitted it shall be the duty of the said text-book commission to meet in executive session, to open and examine all sealed proposals submitted and received in pursuance of the notice or advertisement provided for in section 2 of this act. It shall then be the duty of said commission to examine and consider carefully all such bids or proposals, together with the report and recommendations of the subcommission, and determine in the manner provided in section 1 of this act what book or books, upon the branches herein above mentioned, shall be selected for adoption, taking into consideration the size, quality as to subject-matter, material, printing, binding, and the mechanical execution and price, and the general suitability for the purpose desired and intended; Provided, however, That all books selected or adopted shall be written or printed in English. After their selection for adoption shall have been made, the said commission shall, by registered letter, notify the publishers, or proposers, to whom the contracts have been awarded, and it shall then be the duty of the attorney-general of the state to prepare the said contract or contracts in accordance with the terms and provisions of this act, and said contract shall be executed by the governor and secretary of state, with the seal of the state attached upon the part of the State of Tennessee, and said contract shall be executed in triplicate, one to be kept by the contractor, one copy by the

Commission to refer sample copies to sub-commission; report of latter

Commission to consider bid together with report of sub-commission.

State attorney-general to prepare contracts; who to execute; triplicate copies.

deposit will be deemed, and is hereby, declared forfeited to the State of Tennessee, and it shall be the duty of the treasurer to place said cash deposit in the treasury of the state, to the credit of the school fund; And provided further, That any recovery had on any bond, given by any contractor, shall inure to the benefit of the school fund of the state and counties, and when collected shall be placed in the treasury to the credit of the school fund, and be prorated among the several counties of the state.

Deposit forfeited, when; goes to credit of school fund.

Sec. 4. Be it further enacted, That the books furnished under any contract shall at all times, during the existence of the contract, be equal to, in all respects, the specimen or sample copies furnished with bids; and it shall be the duty of the secretary of state to carefully preserve in his office, as the standards of quality and excellence to be maintained in such books, during the continuance of such contract, the specimen or sample copies of all books which have been the basis of any contract, together with the original bid or proposal. It shall be the duty of all contractors to print plainly on the back of each book the contract price as well as the exchange price at which it is agreed to be furnished, but the books submitted as sample or specimen copies with the original bids shall not have the price printed on them before they are submitted to the subcommission. And the said text-book commission shall not, in any case, contract with any person, publisher, or publishers, for the use of any book or books which are to be or shall be sold to patrons for use in any public school in this state, at a price above or in excess of the price at which such book or books are furnished by said person, publisher, or publishers under contract to any state, county, or school district in the United States, under like conditions prevailing in this state, and under this act. And it shall be stipulated in each contract that the contractor has never furnished, and is not now furnishing under contract, any state, county, or school district, in the United States, where the conditions prevail as are prevailing in this state, under this act, the same book or books as are ordered in said contract, at a price below or less than the price stipulated in the said contract. And

Books to come up to sample; prices to be printed on back.

No contract made in excess of contract price with other states.

ion that any or all should, for any reason, be rejected. And in case they fail, from among the bids or proposals submitted, to select or adopt any book or books upon any of the branches mentioned in section 1 of this act, they may readvertise for sealed bids or proposals under the same terms and conditions as before, and proceed in their investigation in all respects as they did in the first instance, and as required by the terms and provisions of this act, or they may advertise for sealed bids or proposals from authors or publishers of text-books who have manuscripts of books not yet published, for prices at which they will publish and furnish in book form, such manuscripts, or for prices at which they will sell such manuscripts, together with the copyright of such books, for use in the public schools in Tennessee, proceeding in all respects in like manner as before; And provided, That before accepting or rejecting any manuscript, it shall be their duty to take the manuscript and to advertise for sealed bids or proposals for publishing the same in book form, in like manner as hereinbefore provided for, and under the same restrictions and conditions, and the contract may be let for the publication of all such books, or for any one or more separately; And provided further, That the state itself shall not, under any circumstances, enter into any contract binding it to pay for the publication of any book or books, but in the contract with the owner of the manuscript it shall be provided that he shall pay the compensation to the publisher for the publication and putting in book form the manuscript, together with the costs and expense of copyrighting the same; And provided further, That in all cases bids or proposals shall be accompanied with the cash deposit of from five hundred dollars to twenty-five hundred dollars, as the commission may direct, and as provided in section 2 of this act. And it is further expressly provided that any person, firm, or corporation now doing business, or proposing to do business, in the State of Tennessee, shall have the right to bid for the contract to be awarded hereunder, in manner as follows: response to the advertisement, when made as heretofore provided, said person, firms, or corporation submit a written bid or bids to edit or have

May contract with authors for publication of manuscripts.

Manuscripts to be submitted with bid.

edited, publish and supply for schools in this state, any book hereunder, provided that instead of a bid or proposal a sample or sample of a book proposed to be furnished, or a manuscript in manuscript or a letter proposed to be incorporated with such a description and illustration and style thereof, as will be satisfactory to the said commission, they may submit a book or books, the equivalent of which they propose to furnish, to accompany their bid or proposal with the same conditions as hereinbefore provided for, and shall give bond as hereinbefore provided, and the same bond may be, in this instance, in the sum of one thousand dollars; Provided, That the manuscripts offered shall be examined by the subcommission provided for in this act.

governor's
clamation
announcing
making of
tract.

Sec. 7. Be it further enacted, That the said commission shall have authority to enter into or contracts for the furnishing of books for use in the public schools in this state, and it shall be the duty of the governor to issue an order announcing such fact to the people of this state.

distribution
books.

Sec. 8. Be it further enacted, That the parties with whom the contractor shall establish and maintain in some of the three grand divisions of the state, to be designated by the commission, a supply of the books sufficient to meet the demands shall be kept. The commission shall deem it advisable to maintain in each county in the state a commission shall deem it advisable to maintain not less than one nor more than three copies of the books to be distributed. The contractor shall be permitted to deliver the books to the merchants or others for the distribution of the books, and wherever no agency has been established, the books shall be distributed from one of the depositories, as designated by the contractor to deliver any

dered, to the person ordering, to his postoffice address, freight, express, postage, or other charges prepaid, at the retail contract price, provided the price of the book or books so ordered shall be paid in advance. All books shall be sold to the consumer at the retail contract price, and in each book shall be printed the following: "The price fixed hereon is fixed by state contract, and any deviation therefrom shall be reported to your county superintendent of public instruction, or the state superintendent at Nashville." And it is expressly provided that should any party contracting to furnish books as provided for in this act, fail to furnish them, or otherwise breach his contract, in addition to the right of the state to sue on the bond herein above required, the chairman of the county court or county judge may sue in the name of the state of Tennessee, in any court of his own, or any other county having jurisdiction, and recover on the bond given by the contractor, the full value of the books so failed to be furnished, for the use and benefit of the school fund of the county; Provided, That the right of action given to the chairman or county judge shall be limited to breaches of the contract committed in this county; And provided further, That in all cases service of process may be had and deemed sufficient on any agent of the contractor in the county, or if no agent is in the county, then service may be had on the agent in charge of any depository, and this service shall be and stand in the place of service on the defendant contractor.

Breach of contract, who may sue; process, on whom served.

Sec. 9. Be it further enacted, That said commission may from time to time make any necessary regulations not contrary to provisions of this act, to secure the prompt distribution of the books herein provided for, and the prompt and faithful execution of all contracts, and it is expressly now provided that said commission shall maintain its organization during the years of the continuance of the contract, and at the expiration of the same to renew such of them as they deem advisable, or readvertise for new contracts or proposals, as required by this act in the first instance, and enter into such other contracts as they deem for the best interests of the patrons of the

Commission to regulate distribution of books; may renew contracts.

or teacher violating the provisions of this act shall become guilty of a misdemeanor, and upon conviction, punished by a fine of not less than ten dollars, nor more than fifty dollars.

Violation a
misdemeanor;
penalty.

Sec. 14. Be it further enacted, That any teacher who shall use, or permit to be used, in his or her school, any text-book upon the branches embraced in this act, where the commission has adopted a book upon that branch, other than the one so adopted, shall be guilty of a misdemeanor, and upon conviction, punished as provided for in section 13 of this act.

Using other
books than
those adopted;
penalty.

Sec. 15. Be it further enacted, That any dealer, clerk, or agent, who shall sell any book for a greater sum than the contract price, shall be guilty of a misdemeanor, and upon conviction shall be punished as provided for in section 13 of this act.

Selling higher
than contract
price; penalty.

Sec. 16. Be it further enacted, That the sum of one thousand dollars, or so much thereof as may be necessary to be paid out of the public school fund, be, and is hereby, appropriated for the purpose of paying the cost and expense of carrying into effect the provisions of this act.

Appropriation
to carry out
act.

Sec. 17. Be it further enacted, That said text-book commission shall serve without compensation, and members of the subcommission of five shall be paid a per diem of four dollars per day during the time they are actually engaged, not to exceed thirty days, and in addition shall be repaid all money actually expended by them in the payment of necessary expenses, to be paid out of the public school fund, and they shall make out and swear to an itemized statement of such expenses.

Compensation
of subcommis-
sion.

Sec. 18. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 4, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved April 13, 1899.

BENTON McMILLIN,
Governor.

compensated and their expenses paid only as hereinafter provided.

Sec. 2. Be it further enacted, That whenever any person dies in any hospital, infirmary, workhouse, jail, penitentiary, or other charitable or penal institution that is supported in whole or in part at public expense in any county now containing, or that may hereafter contain, a population of 40,000, or over, by the last preceding or any succeeding federal census, it shall be the duty of the custodian or the superintendent of such institution to immediately notify the relatives or friends of such person, if such are known, of his death. After such notification, such custodian or superintendent of said institution shall then hold the body of such deceased person not less than twenty-four hours, and if at the end of that time no relative or friend claims such dead body, and no provision has been made for its interment other than at public expense, then such custodian or superintendent shall at once notify said board of commissioners, or their representative, that he has such body, and upon their demand shall deliver or surrender the same to them, or their order. Such notification shall be made in any manner that the said board shall direct, and all the expense of such notification and delivery or surrender of such body shall be at the expense of and shall be borne by the said board. If such board or their representative, upon receipt of said notification, shall not within twenty-four hours make a demand for such body, then the same shall be buried as now provided by law. No custodian or superintendent of said charitable or penal institution shall charge or receive or accept money or other consideration for said bodies. The said board may by proper instructions have such body embalmed by such person as they may direct, and to the person performing this work under their instructions, they shall pay a reasonable compensation; Provided, That no person who has been afflicted with any contagious or infectious disease shall be buried within the provisions of this act, but all persons shall be buried as now provided by law; and provided further, That where any inmate of any charitable or penal institution has by will directed that his or her body be interred, then in that event his body shall be interred at the public expense, un-

When bodies delivered to said commissioners.

may sue. Said bond shall be renewed every two years.

Sec. 6. Be it further enacted, That any person, persons, firm, board, association, or corporation, who violates any provision of this act, or who does any act forbidden by this act, or fails to do any act commanded by this act, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished as provided by law. Violation of act a misdemeanor.

Sec. 7. Be it further enacted, That no expense that may be incurred in the execution of any part of this act shall be a charge upon the state, or any county or municipality, or any officer or agent thereof, but all such expenses, whether for compensation, salary, or transportation, or otherwise, shall be borne by the said board and medical and dental colleges. No charge against state or county.

Sec. 8. Be it further enacted, That the provisions of this act shall only apply to counties now having, or that shall hereafter have, a population of 40,000, and over, computing by the last preceding or any succeeding federal census. Application.

Sec. 9. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 4, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved April 12, 1899.

BENTON McMILLIN,
Governor.

tickets, coupons, or vouchers issued and redeemable by the manufacturer of the goods so sold.”

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby, repealed.

Sec. 3. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 7, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved April 12, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 208.

SENATE BILL No. 35.

AN ACT detaching from the nineteenth civil district of Hawkins county and attaching to the tenth civil district of Hancock county two farms belonging respectively to John W. Stapleton and R. M. Gray.

Be it enacted by the General Assembly of the State of Tennessee, That the farms of John W. Stapleton and R. M. Gray be detached from Hawkins county and attached to Hancock county. Beginning on a hickory, a corner between Andrew Stapleton and the said John W. Stapleton, and running with Phoebe Trent's line southeastwardly to a lar; thence westwardly with line of the heirs of W. Byrd to Richardson's Creek; thence with said line towardly with said line to the top of the ridge, with the top of the middle ridge to a hickory corner between Omey Gains' and R. M. Gray's line the line of Omey Gains northwestwardly to a corner on Sugar Run branch so as to include

all of the said farms of the said
and R. M. Gray in Hancock c

Be it further enacted, That
cock and Hawkins counties be
to detach the farm of T. J. C
county, and add the same to H
the following change in line 1
Beginning at the southwest c
tween said counties on said T. .
corner on top of Copper Ridge
of Copper Ridge with said T
southwest course ——— poles t
southwest corner; thence with
west line with its meanders —
Clinch Mountain on the prece
Hancock and Hawkins counti
Passed April 6, 1899.

SEII

Spe

JOSEPH

Speaker of the House

Approved April 7, 1899.

BENTON

CHAPTER

SENATE BILL N

AN ACT to fix fees to be char
secretary of state for gra
amendments to charters of c

Section 1. Be it enacted by
of the State of Tennessee, T
shall be charged in the office o
for the following services, to
registering any amendment o
corporation incorporated unde
Acts of 1875, or under any ar
less it be a corporation for pu
ligious purposes, \$10.

For granting and registering any amendment of the charter of any corporation chartered by any act of the general assembly, or by any chancery court, \$100.00.

For granting and filing any amendment of any charter of incorporation not included in either of the foregoing provisions, except amendments of charters granted for purely educational or religious purposes, \$10.00.

Sec. 2. That this act shall not be construed as amending or repealing an act passed January 20, 1899, and approved February 25, 1899, fixing a schedule of fees for the office of secretary of state, but only as prescribing additional fees.

Sec. 3. That this act shall not be construed as amending or repealing any existing law under which the fees of said office become revenue.

Sec. 4. That this act take effect from and after its passage, the public welfare requiring it.

Passed April 7, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved April 7, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 210.

SENATE BILL No. 332.

AN ACT to amend the acts incorporating the town of Bluff City, and the various amendments thereto, and reduce the same to one act, and to reduce and define the limits thereof.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the act incorporating the town of Union, in Sullivan county, being an act of February 17, 1870, entitled "An act to incor-

south 71 degrees 15 minutes west 330 feet; thence south 89 degrees 15 minutes west 661 feet to a stake near the corner of old wooden bridge pier; thence south 83 degrees and 30 minutes west 561 feet; thence south 54 degrees west 330 feet; thence south 48 degrees west 798 feet to a stake 7 feet below the old N. Y. Acre corner, now J. L. Dyche's corner, planted rock at the corner of an alley 13 feet wide; thence running parallel with and (7) seven feet from said J. L. Dyche's line, and the line of said alley on the west side of same south 35 degrees east 850 feet to a stake from which the said J. L. Dyche's corner a planted rock bears north 51 degrees 15 minutes east 7 feet distant; thence with the line between J. L. Dyche, Southern railway right of way 30 feet from the center of the main line track south 51 degrees 15 minutes west 360 feet, running with a one degree 30 minute curve to the left to a planted rock at P. T.; thence with tangent south 49 degrees 42 minutes west 84 feet to a rock set at a cedar fence post; thence crossing said railway and running with line of H. H. Hodges' lot south 55 degrees east 295 feet to a fence post on the west of a street 30 feet from the corner of Dr. Ed Buckner's lot; thence with the line of said street on the west side south 44 degrees and 45 minutes east 124 1-2 feet to a planted rock; thence crossing said street and running with the line of Main street, on the south side, north 46 degrees and 25 minutes east 353 feet to corner of A. Berry's lot; thence with line of same south 38 east 142 feet to a white oak stump at corner of said lot; thence north 46 degrees 25 minutes east 73 feet to a stake on or near old N. Y. Acre line; thence with or near same line south 35 east 468 feet to a stake from which Thomas Jenkins' corner rock bears north 59 degrees east 25 feet distant; thence with said Jenkins' line and the line of the Stover property, north 59 degrees 318 feet to a planted rock corner of Zollicoffer ditute lot; thence with the line of E. S. Worley, th 21 degrees east 448 feet to corner with A. C. nert on line with S. L. Jenkins; thence with said nert south 21 degrees 53 minutes east 520 feet planted rock corner on the old Smith line, and corporation line, now line with W. D. Lyon;

tion, and persons elected by the board of mayor and aldermen to fill vacancies shall hold the said office until the next regular election. It shall be the duty of the mayor to preside at all meetings of the board of mayor and aldermen, if present, but in case of the absence of the mayor for any cause, then the aldermen may elect a mayor pro tem., who shall preside at the meeting of the council. The mayor shall take care that all the ordinances and laws are enforced, respected and observed within the corporation.

Sec. 5. Be it further enacted, That the board of mayor and aldermen shall hold their meetings at such times and places within the corporation as they may determine, not to exceed once per month, unless convened by the mayor in special session, which he may do at any time he is of opinion the welfare and good of the corporation demands it. The board of mayor and aldermen shall have full power to investigate charges against its members, and other officers of the corporation, or such other matters as they may deem proper, and for this purpose the mayor may issue subpoenas and compulsory process to compel the attendance of witnesses and the production of books and papers before the board or any committee of the same.

Board meetings; may investigate charges; subpoena witnesses.

Sec. 6. Be it further enacted, That the board of mayor and aldermen shall judge of the qualifications, election and correctness and regularity of the returns of the elections of its own members, and other officers of the corporation, and shall prescribe rules for and determine any contest of election of the members of the board, and of other officers of the corporation. It may also prescribe the punishment of its members for nonattendance, or for disorderly conduct, and enforce the same. Two-thirds of the members of said board concurring, they may impeach and expel a member for improper conduct while in office.

Election contest; impeachment of member.

Sec. 7. Be it further enacted, That there shall be a constable elected at each annual election, who shall hold his office one year and until his successor is elected and qualified. Said constable shall have all powers incident to chief of police, and do and perform all acts devolving upon him as such, and per-

Constable; oath; salary.

of the State of Tennessee. The officer, judges and clerks of said election shall be appointed by the mayor and aldermen, and they shall be governed by the same rules governing officers of elections for state and county officers, and shall make their returns to the board of mayor and aldermen, who shall canvass the votes and determine the officers elect, who shall be inducted into office within ten days after their election.

Sec. 9. Be it further enacted, That before entering upon the duties of his office, the mayor shall take and subscribe to an oath to faithfully discharge all the duties of the office as mayor, to the best of his skill and ability, and also give bond with such security as shall be deemed good and solvent by the board of aldermen, and approved by them, in such sum as they may prescribe, payable to the board of aldermen and their successors in office, conditioned on the faithful performance of his duty as such officer, and the faithful payment of all moneys that may come into his hands, said bond to be filed in the office of the county court clerk, for the use of Bluff City. And the aldermen shall also take and subscribe to an oath to faithfully discharge the duties of their offices without fear, favor or affection, according to law, to the best of their ability. And the salary of the mayor shall be fixed by the board of aldermen, and also the compensation of the aldermen shall be fixed by the board of mayor and aldermen, at such sum as they may deem best, not to exceed fifty cents for each meeting.

Mayor's oath;
bond; salary;
aldermen's
oath, salary.

Sec. 10. Be it further enacted, That the mayor shall be ex officio recorder and treasurer, and shall also keep all the records of the council, and he is hereby vested with concurrent jurisdiction with justices of the peace in all cases of violation of the criminal laws of the state, or of the ordinances of the mayor and aldermen of the town of Bluff City, within corporate limits of said corporation. That it shall be the duty of the mayor to receive and faithfully keep all moneys belonging to the corporation and report for the same and pay out any money in his hands upon the direction of the council. The mayor shall also carefully examine the bills and ordinances passed, and should either assent or veto any of them in part or in

Mayor ex officio
recorder and
treasurer; ju-
risdiction; veto
power.

to be taken for and instead of labor, to authorize and compel the opening, widening, straightening, changing or closing, if necessary, any streets, sidewalks and alleys now laid off, to open and lay out new streets, sidewalks and alleys by paying the owners injured therefor, which condemnation proceedings are to be regulated by ordinance from which action of the board of mayor and aldermen the party aggrieved may appeal to the circuit court, and any building considered dangerous may be removed upon paying the owner therefor, to pass all laws and ordinances necessary to convey the intent and meaning of this act, into effect, provided they are not incompatible with the constitution and laws of the state. To appropriate money and provide for the payment of all lawful debts and expenses of the corporation, to establish and provide for a system of free schools and regulate the same, to erect a work and prison house, bridges and culverts, to keep the same in repair, and to erect any buildings necessary for the use of the corporation, to suppress gambling houses, disorderly houses and bawdy houses, to impose fines, forfeitures and penalties for the breach of any ordinance and to provide for the arrest and confinement of all violators and disorderly persons committing nuisances or any disorderly conduct within the corporate limits, to punish, by pecuniary penalties and fines for breaches of the peace, noise, disturbances, Sabbath breaking and disorderly conduct or assemblages in any street, house or place within the corporation, to publish all ordinances, either in print or writing, and post them up in the corporation at least three days before going into effect, except the public welfare demands that the ordinance go into effect from and after its passage, then if so stated in the ordinance that it go into effect from and after its passage, the public welfare requiring it, it shall go into effect from and after its passage, to provide for the arrest and imprisonment of all riotous and disorderly persons and persons violating the criminal laws of the state and ordinances of the corporation, to regulate, tax, license, suppress the keeping and going at large of animals within the corporation, impound the same and in default of redemption in pursuance of the ordinance, to sell or kill the same, to

Sec. 14. Be it further enacted, That all the ordinances shall begin with an enacting clause as follows:

“Be it ordained by the board of mayor and aldermen of the corporation of Bluff City,” and at the end of each ordinance shall be stated when it is to go into effect, subject to the provisions set forth in this act.

Sec. 15. Be it further enacted, That this act is declared to be a public act, and may be read in evidence in all courts of law and equity, and all ordinances, resolutions and proceedings of the board of mayor and aldermen may be proved by the seal of the corporation, and attestation of the mayor, and in case no seal has been adopted, by the certificate of the mayor alone, and the same shall be received in all the courts.

This a public act; how ordinances proved.

Sec. 16. Be it further enacted, That this act shall not operate so as to invalidate or render void any ordinance now in existence in said corporation, unless the same is in conflict with this act without reference to the form or the enacting clause.

Sec. 17. Be it further enacted, That the constable and other members of the police force shall have power and authority to immediately arrest, without warrant, and take into custody any one who shall commit, threaten or attempt to commit in the presence of such member or within his view or in his hearing, any breach of the peace or offense directly prohibited by law, or by ordinance of the corporation, and hold such offender in custody until legally discharged, but it shall be the duty of the officer thus making the arrest to immediately and with the least delay possible take the person thus arrested before the mayor or other authority for trial, that they may have as speedy trial as possible, and no warrant will be necessary to charge the defendant at such trial.

Constable and police may arrest without warrant, when.

Sec. 18. Be it further enacted, That the mayor shall have the power, and he is hereby authorized, to issue warrants for the arrest of parties violating the ordinances of said corporation or the criminal laws of the state, on information made to him on oath of such offense having been committed within the limits of said corporation.

Mayor may issue warrants.

Sec. 19. Be it further enacted, That the mayor

CHAPTER 211.

SENATE BILL No 287.

AN ACT requiring railroad companies doing a general passenger business in the State of Tennessee to erect, maintain, and keep in proper repair, water closets in or adjacent to passenger depots, junctions, or waiting rooms, and providing a penalty for failure to do so.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That all railroad companies carrying on a general passenger business in the State of Tennessee shall be required to construct, maintain, and keep in repair according to modern sanitary principles or methods, privies or water closets for the accommodation of their patrons in or attached to all passenger depots, railroad junctions, or waiting rooms located or situated in any town or towns in this state having waterworks and sewerage system; Provided, That in towns or junctions where there are no waterworks and sewerage system such railroad companies shall erect and maintain such water closets or privies as near to suitable depots, junctions, or waiting rooms as practicable; Provided, That the provisions of this bill shall not apply to railroad stations where the railroad company has no station agent.

Sec. 2. Be it further enacted, That such privies or water closets shall be so constructed as to provide separate accommodations for males and females, and be kept in good sanitary condition.

Sec. 3. Be it further enacted, That any violation of this act shall be a misdemeanor, and shall be punished by a fine of not less than twenty-five, nor more than one hundred dollars.

Sec. 4. Be it further enacted, That this act shall

CHAPTER 213.

SENATE BILL No. 288.

AN ACT to amend section 4025 of Shannon's Compilation of the Statutes of Tennessee, being section 3130 of Milliken and Vertrees Compilation.

Be it enacted by the General Assembly of the State of Tennessee.

Section 1. That section 4025 of Shannon's Compilation of the Statutes of Tennessee, being section 3130 of Milliken and Vertrees Compilation, be, and hereby is, amended by adding thereto the words, "and if there be no widow or next of kin, then such right of action shall survive to his personal representative, for the benefit of his estate, to pay his debts, burial expenses, and the expenses of administration."

Sec. 2. That this act take effect from and after its passage, the public welfare requiring it.

Passed April 12, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved April 15, 1899.

BENTON McMILLIN,
Governor.

September; Hamblen county, second Mondays in February and August; Grainger county, second Mondays in March and September; Claiborne county, second Mondays in April and October; Hancock county, fourth Mondays in April and October; Union county, fourth Mondays in May and November; Campbell county, third Mondays in May and November; Anderson county, first Mondays in April and October; Knox county, second Mondays in May and November; Roane county, second Mondays in January and July; Morgan county, first Monday in January and July; Scott county, third Mondays in January and July.

Sec. 2. Be it further enacted, That it is not the purpose of this act to abate or suspend any case or proceeding pending, or to be brought in any of the aforesaid courts, and this act shall not be held to have that effect. All cases pending in any of said courts shall proceed and be heard at the terms designated under this act as if no change had been made. All process that may have issued before this act shall take effect and made returnable to a time or date other than that designated in this act for the holding of the court, shall operate as if made returnable to the next succeeding term of such court held pursuant to this act. All process issued after this act shall go into effect shall be made returnable to the first term of the court to be held under this act.

Not to abate
cases; process.

Sec. 3. Be it further enacted, That this act shall expire on the 1st day of September, 1902.

Sec. 4. Be it further enacted, That this act take effect thirty days after the final adjournment of the present general assembly, the public welfare requiring it.

Passed April 12, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved April 15, 1899.

BENTON McMILLIN,
Governor.

at its next quarterly session after such election, the vote shall be counted, and the result declared by said court; that thereupon, if a majority of the votes cast are "For turnpikes," the said county court shall order an issue of the bonds of the county in the amount of fifty thousand dollars (\$50,000), in the denomination of five hundred dollars (\$500) each, payable twenty-five years from date in lawful money of the United States, and redeemable at any time at the option of the county, after five years from date, in whole or in part, beginning at number 1 in the series, and running serially, with interest coupons attached, payable semi-annually on the first day of January and July of each year, the said bonds not to bear, in any event, a greater rate of interest than five per cent. per annum, represented by said coupons.

Vote counted,
result declared;
denomination
of bonds, in-
terest, etc.

Sec. 2. That said bonds shall be signed by the judge or chairman of the county court of Hamblen county, Tennessee, and countersigned by the clerk of the county court of said county, with his official seal affixed to the same; and shall be numbered in the order of issuance, beginning with "one."

Sec. 3. That each of said bonds shall have attached to it the coupons for the semiannual interest upon the same for each of the years the said bonds are run, showing the amount of each semiannual installment of interest on said bonds, and when the same shall fall due, which coupons shall be signed in the same manner as the bonds, except that the official seal of the clerk of said court need not be affixed to said coupons, the said coupons, however, to show on their face the number and amount of the bonds to which they are attached. The bonds and coupons herein provided for, when due and paid off by the trustee or county tax collector, shall be by said trustee or county tax collector canceled by stamping or writing the face thereof the date received and paid, and held by him as his voucher for the payment, in conformity with the judge or chairman of the county court, who will preserve said coupons as a part of the records of his office.

Coupons.

Sec. 4. That it shall be the duty of said quarterly county court of said county to levy a tax annually

Interest and
sinking fund
tax.

of the public roads in said county, said quarterly court of said county shall appoint three commissioners, no more than two of whom shall belong to the same political party, and said commissioners to be residents and citizens of Hamblen county, Tennessee, and none of whom shall be members of said county court, who, by virtue of their appointment and election, shall be authorized to employ engineers and other necessary expert service to survey, inspect, change, and classify said public roads, and to make charts and maps showing the changes and improvements, and what turnpikes the public interests require to be made, said improvements to include grading, filling, metaling, ditching, widening, bridging, draining, piping, and other necessary improvements in constructing said roads, and said commissioners shall make a record in detail of the probable or approximate cost of making such improvements, together with the probable damages which will be done to adjacent lands by such changes; that specifications shall then be made for work to be done in the improvement of said roads and building of such turnpikes in said county as may be determined upon by said commissioners; and said commissioners may who shall then advertise for said work as a whole, or in sections, or parts, and give the same to the lowest responsible bidder or bidders; but no bids shall be accepted which is higher than the estimated price fixed in the detailed record and estimate made by said commissioners; and said commissioners may employ engineers or other necessary aid to supervise and superintend the work. All work shall be done subject to the inspection of the commissioners or engineers or assistants employed by them. The work done according to the specifications laid down shall be approved and accepted by the commissioners, and the work not so done shall be disapproved and rejected by the commissioners. The said commissioners shall require good and solvent bonds of all contractors.

Sec. 9. That the said commissioners shall make report to the county court at each quarterly term, showing the progress of such improvements in detail, and at the completion of the work, shall make final report to said court.

Reports of
commissioners.

CHAPTER 216.

SENATE BILL No. 240.

AN ACT to amend the charter of the city of Chattanooga, and all acts heretofore amendatory thereof.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the charter of the city of Chattanooga, and all acts amendatory thereof, are hereby amended as follows:

Sec. 2. Be it further enacted, That the act passed by the general assembly of the State of Tennessee at the extra session of 1890 entitled "An act to amend the charter of the city of Chattanooga," etc., which act provides for a board of public works to take charge of the streets, etc., which board is appointed by the governor; and the act passed at the regular session of the legislature of Tennessee on 16th day of March, 1887, relating to the same board; and the act passed at the regular session of the legislature of the 29th day of March, 1883, creating a police commission for the city of Chattanooga to be appointed by the governor, be, and the same are hereby, amended as follows: Acts amended.

(1) That nothing in the provisions of the acts creating them shall be construed as conferring on the board of public works the right to grant any rights, easements, or franchises over the streets, alleys, or sidewalks of the city of Chattanooga. Certain rights not conferred on board of public works.

(2) That no officer or employe of any quasi public corporations, such as gas companies, electric light companies, telephone companies, water companies, and other public corporations, when operating under franchise rights from the city, and having contract relations with the city in the way of furnishing or supplying contracts, shall be eligible to membership on said boards; Provided further, That no one shall be eligible to serve as a member of said board who is at the time holding, or may hereafter hold during his Who ineligible to membership on board.

porated as an amendment to the charter of the city of Chattanooga; Provided, That nothing in this section shall interfere with the terms of the commissioners selected in accordance with the ordinance, the same being as follows, to wit: "Be it ordained by the board of mayor and aldermen of the city of Chattanooga, That a board of public school commissioners be hereby created, to be qualified to enter upon the discharge of their duties January 1, 1898, with all the rights and privileges of the present board of education, and to be substituted on that date for the board now having the control and management of the public schools of the city of Chattanooga.

School commissioners.

(2) Be it further ordained, That said board of school commissioners shall consist of ten (10) members as follows, to wit: Two commissioners from each of the three school districts of the city, one from each political party, two commissioners from the city at large. The mayor of the city shall be an ex officio member of the board of school commissioners, with all the privileges of a regular commissioner. The chairman of the committee on schools of the board of mayor and aldermen shall be a member ex officio of the school commissioners, with all the privileges of a regular commissioner. He shall be of the opposite political party from the mayor, it being the purpose of this section to make the board of school commissioners a nonpartisan body, the members to be equally divided between the two political parties.

Who to compose.

(3) Be it further ordained, That the term of all school commissioners, except the ex officio members, shall be for four years, except at the first election after the passage of this ordinance, at which one for each district and one from the city at large shall be elected for two years, and the others for four years, and thereafter one from each district and from the city at large shall be elected for four years.

Term of office

4) Be it further ordained, That the school commissioners provided for in this ordinance shall be elected by ballot by the board of mayor and aldermen, and the first election under this ordinance shall take place at any time after the passage of this ordinance prior to January 1, 1898.

How and when elected.

) Be it further ordained, That the first commissioner elected under the ordinance shall appear before the board of mayor and aldermen and take the oath.

When to take oath.

exercise of franchise grants, or otherwise, shall be eligible to hold any office whatsoever in the city government of Chattanooga, by appointment or election; Provided further, That the office of any person who is rendered ineligible by the terms of this section shall be, and is hereby, declared vacated by such person, and the vacancy shall be filled as hereinbefore provided in cases of vacancies of city offices arising from other causes; Provided, That the present officials elected by the mayor and aldermen, and the present members of the board of mayor and aldermen, and such other officials as are affected by this act holding by appointment of the governor, or otherwise, who shall be in office when this act shall go into effect shall serve out the full terms to which they have been chosen.

Sec. 8. Be it further enacted, That the provisions and sections of this act shall be and constitute an amendment to the present charter of the city of Chattanooga, and all parts of said charter and acts heretofore passed amendatory thereto in conflict with this act be, and the same are hereby, repealed.

Sec. 9. Be it further enacted, That this act shall take effect from and after sixty (60) days from its passage, the public welfare requiring it.

Passed April 7, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved April 15, 1899.

BENTON McMILLIN,
Governor.

of the commissioners or other officers of elections in the various counties of this state to open and hold elections in the various school districts in this state on the fourth Saturday in May, 1900, and biennially thereafter, for the purpose of electing three school directors for each school district; Provided, That this act shall not apply to any county in this state where school districts and civil districts are co-extensive, or may hereafter be made so; Provided, This act shall not apply to incorporated towns which have a school system of their own; Provided, This act shall also include districts composed of portions of different counties.

Sec. 2. Be it further enacted, That said election shall be held and governed by and under the laws now governing general elections, except that these elections shall be held at the school houses in the various school districts, or such other places as said election officer may direct, and that the polls shall be opened at one o'clock p.m., and shall be closed at five o'clock p.m., and that the officers holding said elections shall not receive any compensation therefor.

Sec. 3. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 11, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved April 13, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 220.

SENATE BILL No. 520.

AN ACT to repeal an act entitled "An act to change the county line between Williamson and Davidson counties," passed February 7, 1895, and is chapter 28 of the Acts of 1895.

Whereas, An act passed February 7, 1895, and entitled as above, is violative of section 4, article 10 of the constitution of the state; therefore,

Be it enacted by the General Assembly of the State of Tennessee,

Section 1. That the Act of 1895 entitled chapter 28 be, and the same is hereby, repealed.

Sec. 2. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 7, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved April 13, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 222.

HOUSE BILL No. 324.

AN ACT to amend sections 11, 12, 13, and 17 of the Acts of 1870, chapter 56, Tennessee legislature, so as to change name, etc.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That chapter fifty-six of the acts of the Tennessee legislature of 1870, section 11, be amended by changing the name of the "Mosheim Male and Female Institute" to the name of "Holston Synodical College."

Sec. 2. Be it further enacted, That sections 12 and 13 be so amended as to read, "The owners of said college property may be individual or synodical, and shall elect the board of trustees, and shall have one vote for each one hundred dollars which has been paid into the board or to its authorized agents. Said board shall elect its officers at such times and places as it may fix by its by-laws, and is authorized to accept gifts, donations, bequests, etc., for all the purposes of said institution, and such gifts shall not be considered as stock or entitle the donor to vote.

Sec. 3. Be it further enacted, That section 17 of said acts be so amended as to read, "No intoxicating liquors or beverages shall be sold within four miles of said institution, and the present board of trustees for said institution shall be deemed the successors of the preceding board for and of same, and all their acts for the benefit of this institution are hereby legalized, and that this act take effect from and after its passage, the public welfare requiring it.

Passed April 11, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 13, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 224.

HOUSE BILL No. 365.

AN ACT to amend chapter 142 of the Acts of 1875 entitled "An act to provide for the organization of corporations."

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That chapter 142 of the Acts of 1875 be amended so that the form of the charter of a construction company shall be as follows:

State of Tennessee,
Charter of Incorporation.

Be it known, That [here insert the names of five or more persons not under twenty-one years of age] are hereby constituted a body politic and corporate by the name of [here insert the name of the corporation] with a capital stock of [here insert the amount of capital to be authorized]. The general powers of said corporation are [here insert the general powers as in section 5 of said Act of 1875]. Said corporation shall have the right to conduct the business of constructing, building, and erecting for other persons or corporations, railroads, street railroads, incline railroads, cable or cog railroads, bridges, locks, dams, houses, or any other public or private buildings or improvements, or to do any portion of the work thereon, including the equipment of any kind of railroad; but it shall not have the right to own or operate (except while actually engaged in the work of construction and for the purposes thereof) any railroad, or any street, incline, cable, or cog railroad.

Sec. 2. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 12, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 15, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 226.

HOUSE BILL No. 455.

AN ACT to change the line between the counties of
White and Cumberland.

Section 1. Be it enacted by the General Assembly
of the State of Tennessee, That the line between
the counties of White and Cumberland be so changed
as to include that portion of the lands of H. Little
now lying in Cumberland county, as to include or at-
tach the same to the thirteenth district of White
county.

Sec. 2. Be it further enacted, That this act take
effect from and after its passage, the public welfare
requiring it.

Passed April 7, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 12, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 227.

HOUSE BILL No. 462.

AN ACT to exempt Coffee county from the provis-
ions of chapter 127 of the Acts of 1895, and to de-
fine the manner of fishing in said county.

Section 1. Be it enacted by the General Assembly
of the State of Tennessee, That it shall be lawful to
fish in Coffee county by hook and line, trot line,
dredging, and seining.

Sec. 2. Be it further enacted, That all laws and
ordinances in conflict with this act be, and the same

Sec. 2. Be it further enacted, That any bonds to be issued under the provisions of this act shall be in denominations to be designated by said quarterly county court not exceeding \$1,000, and shall bear interest at a rate not to exceed six per cent., and shall be redeemable absolutely at the end of twenty years, or at the option of the said quarterly county court at any time after ten years, with interest payable annually. And there shall be attached to each of the bonds, so to be issued, coupons for each installment of interest thereon, maturing at the proper dates, and bearing the numbers of the bonds to which they shall be attached. The bonds when issued shall be signed by the chairman of the county court and county court clerk of said county, with the official seal of said county court clerk, and each coupon shall also be signed by said chairman and county court clerk, but without said official seal. The bonds shall be for the same amount, and shall be numbered in their order commencing with one, and a full record of said bonds shall be kept by the clerk of said county court, showing when and to whom issued, when taken up, and when the same shall have been paid. The bonds to be issued under the provisions of this act may be issued at different times, and in such amounts as shall be deemed necessary for the purposes stated; Provided, That no one issue shall be less than \$10,000.

Denomina-
tions; interest;
terms record,
what to show.

Sec. 3. Be it further enacted, That none of the bonds to be issued under this act shall be sold at less than par; said bonds and interests shall be payable in the current money of the United States.

Sold at par.

Sec. 4. Be it further enacted, That before the expenditure of any of the money to be derived from the sales of said bonds, it shall be the duty of the county court at any quarterly term to appoint three commissioners for the purpose of supervising the laying out and construction of macadamized roads herein provided for, which commissioners however shall be entitled to no compensation except for actual expenses; said commissioners shall employ a competent and skilled civil engineer to survey the routes of the roads to be constructed, and make profile drawings of the same, showing the grades at every point, and the ownership of the lands through which the same are

Commission-
ers; survey; let
out roads; for
what fund
available.

to collect the taxes herein provided to be assessed and collected for the payment of the interest on said bonds, and for such collections he shall be compensated as though this was a part of the tax assessed for county purposes; but he shall be required to execute a bond in double the amount of the taxes thus to be collected, in addition to the other bonds required by law to be executed by him, with good and solvent securities, for the faithful discharge of his duties with reference to the same. He shall also keep an accurate account showing the amounts which he shall have collected under the provisions of this act, and the disbursements he shall have made of the funds, and shall make report of the same as he is required to do as to other taxes.

Sec. 7. Be it further enacted, That at the expiration of ten years from the issuance of the first bonds ^{As to redemption.} to be issued under the provisions of this act the trustee of said county of Greene shall call for the purpose of redemption, for such an amount of the bonds so to be issued as the sinking fund in his hands shall be sufficient to redeem, and such call shall be made from time to time as the funds in the hands of the trustee shall warrant. The bonds so to be called being in their numerical order, commencing with No. 1. The calls shall be made by advertisement at the court house door in Greeneville, and also by publication in some paper published in the county of Greene, and shall give the holders not less than thirty days to present the same for redemption, and in case the same shall not be presented within the time to be designated, the interest on the bonds so to be called shall cease, and the coupons to mature thereafter shall be void. For this purpose the trustee shall have access to the books of the chairman of the county court and county court clerk, to ascertain the numbers and denominations of the outstanding bonds. When so deemed the date of such redemption shall be distinctly written on the same with the exact amount in redemption, and he shall turn over such redeemed bonds and the coupons paid off by him on demand to the chairman of the county court for the county, and he shall be entitled to credits on settlement against said sinking funds in his hands for amounts correctly paid by him in redemption of

are hereby, repealed, and that this act take effect from and after its passage, the public welfare requiring it.

Passed April 14, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 17, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 230.

HOUSE BILL No. 522.

AN ACT to protect fish in the county of Marshall.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That it shall be unlawful for any person or persons to use any poison, dynamite, or other explosives to kill or catch fish in the county of Marshall.

Sec. 2. Be it further enacted, That no person shall be allowed to use any gig, grab hook, gill net, trap, or basket for the purpose of capturing or killing fish in said county, nor shall any person be allowed to use any seine or net in capturing fish during the spawning season, or when fish are on the shoals, and it is further declared to be unlawful for any person to seine any river or stream in the county of Marshall at any season of the year except with a two inch mesh, excepting minnow nets used for catching bait.

Sec. 3. Be it further enacted, That any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and fined not more than \$10, and not less than \$5, at the discretion of the court.

Sec. 4. Be it further enacted, That it shall be the duty of all peace officers to report any person known to have violated the provisions of this act.

from said examination so long as they continue in the public school work."

Sec. 3. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 14, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 17, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 232.

SENATE BILL No. 540.

AN ACT to compile the acts incorporating the town of Springfield, Tennessee, and the various amendments thereto, and to include them in one act, and to amend the same, and to repeal all laws in conflict with this act.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the acts incorporating the town of Springfield, in Robertson county, Tennessee, be, and the same are hereby, modified and amended so as to read as follows: The inhabitants of the town of Springfield, Tennessee, within the boundaries hereinafter set out, are hereby constituted a body politic and corporate, by the name and style of "The Board of Mayor and Aldermen of the Town of Springfield," and by that name shall have perpetual succession; may use a common seal and may change it at pleasure; shall sue and be sued, implead and be impleaded in all of the courts of law and equity in all actions whatever; may purchase, receive, and hold property, real and personal, within said town, for incorporation purposes; and may also purchase, receive and hold property, real and personal, beyond the

Name and style; may acquire and hold property.

line of said lot to its southeast corner; thence north with the east line of the same to the northeast corner thereof; thence west with the north line of said lot to Hill street; thence north with the east side of Hill street to Grove street; thence east with the south side of Grove street to a point due south of the east line on the lot of H. C. True, on which he now resides; thence north to said True's east line continuing on with said line crossing East May street, and continuing on north with the east yard fence of Milton Pike to a point 150 yards north of East May street; thence west to Black branch; thence down said branch in a northerly direction with the various meanders of said branch to the north line of the lot of W. B. England, on which he now lives; thence west with the north line of said lot crossing Main street and continuing on with the north line of the lot of C. T. Tanner to his northwest corner; thence south with his west line and the west line of the lot of C. Armstrong to the north line of G. R. Woodward's lot crossing the north end of Oak street to the northeast corner of Lee Brinkley's lot, on which he now resides; thence north with his east line to his northeast corner; thence west with his north line to his northwest corner; thence south with his west line crossing a street to the north line of the lot of Geo. Butt; thence with his north line crossing Walnut street; thence with the west line of said street to the northeast corner of the lot of Joe Barnes; thence with the south line of said lot to its northwest corner; thence south with his west line to the northwest corner of the lot of Mrs. Milton Green; thence west crossing Pond street, and continuing on into the lot of John E. Garner to a point opposite and about north of the beginning; thence south through the land of A. E. Garner and others to an alley between the lots of Mrs. R. G. Kirby and Cave Holman; thence west with said alley to the northwest corner of the lot of A. G. White, on which he now lives; thence south with his west line to and crossing May street; thence east with the south side of said street to the beginning.

Sec. 3. Be it further enacted, That the ward system said town be, and the same is hereby, abolished.

officers of the city, and upon all questions coming before the board where there is a call for the ayes and nays, and in all cases where there is a tie. He is also vested with all the powers and duties of an alderman. It shall be his duty to see that all the ordinances of the town shall be duly enforced, respected, and observed within the city limits. He shall examine all bills passed by the city council, and should any of them not meet his approbation he shall return the same to the next regular meeting of the city council with his objections thereto in writing, and no law or ordinance so vetoed by the mayor shall go into effect unless the same be again passed by a majority of the whole number of the city council. No bill shall become a law without having been passed on two several readings by a majority vote, both of which shall not be at the same meeting, and until said bill shall have been signed by the mayor. If the mayor fail to return any law or ordinance to the next regular meeting after its passage, it shall become a law without his signature. The mayor shall have power to make temporary appointments to fill vacancies occasioned by sickness, absence, or any other disability of any city officer, and to suspend any city officer except an alderman, for misconduct in office or neglect of duty, reporting his action with his reasons therefor in writing to the next meeting of the city council. He shall, at least once in every three months, cause to be presented to the city council a complete statement of the financial condition of the city. The mayor shall from time to time communicate to the city council such information and suggest and recommend such measures as may, in his judgment, tend to the improvement of the general interest of the city. He shall perform such other duties as may be required of him by ordinance. He shall have power to bid in property for the city at all tax and judicial sales when the city is a party.

Veto power.

Passage of bills.

Vacancies.

Financial report; message

Sec. 8. That the city council shall have power by ordinance within the city:

Powers.

1. To levy and collect taxes upon all property taxable by law for state purposes.
2. To levy and collect taxes upon all privileges able by the laws of the state.

ing fires, and to prevent and suppress the sale of fire-arms and the carrying of concealed weapons.

15. To regulate the storage of gunpowder, tar, pitch, rosin, saltpeter, gun cotton, coal oil, and all other combustible explosives and inflammable material, and the use of lights, candles, lamps, and steam-pipes in all stables, shops, and other places, and to regulate or suppress the use and sale of firecrackers, toy pistols, fireworks, or other explosives.

16. To establish a standard of weights and measures to be used in the city, and to appoint a sealer of standard weights and measures, who shall have exclusive jurisdiction within the city.

17. To provide and regulate the inspection of beef, pork, flour, meal, and all provisions, oils, whisky, and other spirits in barrels, hogsheads, and other vessels.

18. To regulate the inspection of milk, butter, lard, and other provisions; to regulate the vending of meat, poultry, fish, and vegetables; to restrain and punish the forestalling and regrating of provisions; to establish and regulate markets.

19. To impose fines, forfeitures, and penalties for the breach of any ordinance, and to provide for their recovery and appropriation.

20. To provide for the arrest, imprisonment, and punishment of all riotous and disorderly persons within the city by day or by night, and for punishment for all breaches of the peace, noise, disturbance, or disorderly assemblies.

21. To pass all ordinances necessary for the health, convenience, and safety of the citizens, and to carry out the full intent and meaning of this act, and to accomplish the object of this incorporation.

22. To impose penalties upon the owner or owners, occupants or agents of any house, wall or sidewalk, or other structures which may be dangerous to the citizens, unless, after due notice, to be fixed by ordinance, the same be removed or repaired.

23. To regulate, tax, license, or suppress the keeping and going at large of all animals within the city, to impound the same, and in default of redemption in pursuance of ordinance, to sell or kill the same.

24. To erect and organize a workhouse in or near

employing or appropriating the revenues and taxes in any other manner than for purposes strictly municipal and local, and according to the provisions of this act.

Sec. 10. Be it further enacted, That the city council shall, by ordinance, determine the number of ^{Standing committees.} standing committees, the number of members of which each committee shall be composed, and shall designate the character and duties of each. The mayor shall appoint said committees.

Sec. 11. Be it further enacted, That the city council shall exempt from taxation no property not exempt from state taxation.

Sec. 12. Be it further enacted, That all ordinances shall begin by an enacting clause, as follows: "Be it ^{Enacting clause of ordinances.} enacted by the board of mayor and aldermen of the town of Springfield," and shall, at the end of the act, contain the provision that "this ordinance shall take effect from and after its passage, the welfare of the city requiring it," otherwise the same shall not take effect until twenty days after its passage.

Sec. 13. Be it further enacted, That the first election for mayor and aldermen under this act shall be held at the courthouse in the town of Springfield, on the first Saturday in May, 1899, and biennially thereafter. Said election shall be held by the same officer or officers who are authorized by the laws of the State ^{As to city elections.} of Tennessee to open and hold elections for members of the general assembly. Notice of the time and place of holding said elections shall be given by printed handbills, posted in at least five different places in said town, one of which shall be at the courthouse door in said town, for ten days or more before each of said elections. The officer holding the elections shall appoint three judges and two clerks, all of whom shall be resident voters of said town. They shall be sworn according to law. Said elections shall be held and conducted in all respects as required by law for holding elections for state and county officers. The polls shall open at 9 a.m., and close at 4 o'clock p.m. The vote shall be by ballot, under such rules and regulations as prescribed by the laws of the State of Tennessee for the election of members of the general assembly. The following

cil shall at its first meeting after their election, or as soon thereafter as practicable, elect a recorder, a treasurer, and city marshal, the treasurer to be elected from among the members of the board, but the recorder and treasurer shall not be the same person. Said board may also elect at any time such other officers, agents, and servants as they may deem necessary and may provide for by ordinance, and shall have the power to prescribe their duties and regulate the performance thereof. The salary of the recorder, treasurer, city marshal, and the other officers, agents, and servants, may be fixed by the board before their election or appointment, except as herein provided, and the board shall have the power to dismiss any one of them from office for any neglect of duty or any other cause, two-thirds of the board concurring in such dismissal. The board shall, at one of its meetings in April preceding each election, fix the salaries of the mayor and aldermen for the ensuing two corporate years, which shall not be changed unless two-thirds of the new board concur in said change; Provided, That the city council first elected under this act may fix their salaries.

Sec. 16. Be it further enacted, That a recorder's court is hereby established, and the recorder is hereby vested with all the powers of a justice of the peace of Robertson county, Tennessee, in criminal cases; he shall try all offenses for violations of the ordinances of the town of Springfield; Provided, however, That a change of venue may be had to the mayor of Springfield in any case, when affidavit is made by the accused, and at least two disinterested and reputable citizens of said town, that justice in their opinion will not be meted out by the recorder to the defendant, or when the recorder is sick, absent or incompetent from any cause to try said cases. And the mayor, after such change of venue, is hereby authorized to try and decide such case or cases, from all of which an appeal may be taken to the next term of circuit court at Springfield, Tennessee. In the event an appeal is taken from any fine or judgment imposed by the recorder or mayor of said city for a violation of any of the ordinances of said town of Springfield, to the circuit court at Springfield, Ten-

Election of
officers; sal-
aries; dismissal

Recorder's
court; change
of venue; ap-
peal.

nessee, the person so appealing shall give bond and security for the payment of said fine and cost, or give bond in the sum of one hundred (\$100.00) dollars for his appearance at the term of the circuit court to which the appeal is taken, and that he will not depart the court without leave; and in no case shall any appeal be allowed from said judgment on the pauper's oath.

Marshal may
arrest without
warrant, when.

Sec. 17. Be it further enacted, That the marshal or any policeman of said town shall have power and authority to immediately arrest, without warrant, and take into custody any person who shall commit or attempt to commit, in the presence of such marshal or policeman, or within his view, any breach of the peace or offense prohibited by act of the legislature or any ordinance of the city council. Such marshal or policeman shall immediately and without delay upon such arrest convey such offender before the proper officer, that he may be dealt with according to law, or he may take the bond of such person, in the sum of one hundred (\$100.00) dollars, with good security, for his appearance before the proper officer for trial at the time fixed in the bond. But in no case shall any person be tried without a warrant.

Lock-up.

Sec. 18. Be it further enacted, That said corporation may build, for its own use, a lock-up house, in which to deposit riotous or disorderly persons, who may be apprehended during the night time, for safe keeping until otherwise disposed of; and it shall be the duty of the jailer of Robertson county, to receive and keep in jail all riotous and disorderly persons committed to his charge in the night time, by the town constable of said corporation.

Sec. 19. The marshal shall acquaint himself thoroughly with the laws and ordinances of the city, and it shall be his duty to rigidly enforce the same, for which police authority is hereby given him.

Taxes, marshal
to collect; exe-
cute process.

Sec. 20. The marshal shall collect all taxes levied by the city council, except privilege taxes, and shall perform such other duties as the city council may by ordinance impose upon him; he shall have power to execute state warrants and other process which constables generally have within the city limits.

Sec. 21. The recorder shall keep an accurate m

ute of all the proceedings of the city council, issue Recorder's duties; assessment; tax book.
privilege license and collect taxes on the same, and shall keep a proper ledger account of the same. He shall assess the taxable property of the city, except privileges, assessing all property liable to taxation by the laws of the state of Tennessee, and shall make said assessment in accordance with the laws of the state in force for the year for which such assessment is made; and shall make report thereof to the first meeting of the city council in March of each year; Provided, That the taxes for the year 1899 shall be as now levied and assessed, or to be levied and assessed under the laws and ordinances now in force in said city, unless otherwise provided by ordinance. The city council shall examine said assessment, equalize and correct the same in such manner as may be provided by city ordinance, and shall return to the recorder said assessment list with the corrections, who shall, on or before the first Monday in May of each year, make out the city tax books and deliver the same to the city marshal for collection, charging him with the tax aggregate and taking his receipt therefor, upon the marshal's executing bond as herein provided.

The city council shall have power by ordinance to provide when taxes shall be due; the manner of collecting them, and shall have all the powers given by the state law for the collecting of taxes on both real and personal property.

Merchants and privileges shall be taxed and taxes on the same levied and collected as provided by the city ordinance.

Sec. 22. The recorder shall have supervision over and care of the city property, unless otherwise provided by ordinance. The mayor is hereby vested with the same power as recorder, to try cases in case of the absence or sickness, or inability to act of the recorder, when the venue has been changed as herein provided; the recorder shall perform such other duties as the city council may by ordinance impose upon

23. The city treasurer shall receive from the marshal and recorder, receipt for, take care of, Treasurer to receive funds; quarterly report; bond; compensation.
a proper account of and pay over according

to law all funds of whatsoever nature that may come into his hands; for such purpose he shall keep such book or books as the city council may direct; he shall make out and present quarterly a full and explicit account and report of all finances under his control, and also a complete statement of the finances of the city, which report the city council may order published for the information of the city. Before entering upon the discharge of his duties he shall give bond in such sums as the city council may prescribe by ordinance, with good security, conditioned for the faithful and honest discharge of all duties pertaining to his office and similar in all respect to that of the city marshal and recorder as hereinafter provided; he shall perform such other duties pertaining to his office as the city council may by ordinance provide. His compensation shall not exceed one and one-half (1 1-2 per cent.) per cent. of all moneys passing through his hands, and may be fixed at a less sum by the city council.

Fees of recorder and marshal

Sec. 24. Be it further enacted, That the recorder and marshal receive such fees as justices of the peace and constables are authorized by the law of the state for rendering judgments, service of process, etc., in criminal cases as hereinafter provided, and the fees of the marshal shall be paid to the treasurer.

Recorder's salary.

Sec. 25. The salary, fees, and compensation for all services of all kinds that may be rendered by the recorder shall be fixed at three hundred (\$300.00) dollars per year. He shall monthly report to the city council and pay to the treasurer all fees collected by him during such month; and the treasurer shall pay him his monthly salary of \$25.00 if his fees amount to so much, but if not, then the amount of such fees, but in no event shall the recorder receive any fees out of the city treasury over and above the amount of fees paid in by him as herein fixed, but if he to receive his full salary any one month, it may be made up to him out of the fees received by him in other month during his term of office.

Marshal's salary.

Sec. 26. The compensation of the marshal shall be fixed by the city council at an amount not exceeding fifty (\$50.00) dollars per month; and the marshal's compensation for all services rendered by

shall not exceed fifty (\$50.00) dollars per month. The marshal shall at the end of each month turn over to the city treasurer all fees and compensation received by him for said month, take his receipt therefor and make report thereof to the city council.

Sec. 27. Before entering upon the discharge of their duties the recorder and marshal shall enter into bond, with good securities, in double the supposed amount of money which may come into their hands, conditioned for the faithful performance of their duties and for the diligent collection, and faithful accounting for all moneys that shall or ought to come into their hands for fines, forfeitures, taxes, and other moneys due said city, and which ought by law to be collected and paid over by them, and the said marshal shall be liable as herein mentioned for failing to collect money, to return process or pay over money collected by process issued by the recorder or mayor; said bonds shall be made payable to the mayor and aldermen of the city of Springfield and their successors in office for the use and benefit of said city; said bonds shall be filed, entered upon the minutes of the board and carefully preserved among the records of said city. The city marshal and recorder shall pay over to the treasurer, the first of each month, all sums of money by them received during the preceding month for the said city of Springfield; they shall both render quarterly and as much oftener as the city council may require, full and complete statements of the finances under the control of each of them.

Sec. 28. The duties of the other officers, servants, and agents of the city shall be such as the city may by ordinance prescribe.

Sec. 29. It shall be the duty of the jailer of Robertson county to receive and keep in jail any person who may be committed to his charge for a breach of by-laws or ordinances of said city, and all riotous or disorderly persons committed to his charge by city marshal or other officer of the city, for which he shall receive such fees as may be contracted by the council by and with his consent.

Sec. 30. When any tax or duty shall be levied or assessed by said city council upon any real estate ly-

Delinquent
taxes.

ing within said city of Springfield, and the owner or owners, occupier or occupiers thereof shall not pay the same, and the city marshal make return of that fact under oath, that the owner or owners have no personal property within the city upon which to distrain for the said tax or duty, it shall be the duty of the recorder, by and with the advice and consent of the council, to take such steps for the collection of said taxes or duties as are or may be provided by the laws of the state.

Officers pro-
ceeded against,
when.

Sec. 31. If the recorder and city marshal of said city shall fail to collect or use due diligence to collect, or, after collecting, shall fail or refuse to pay over any moneys by either of them received for the use of said city, said recorder or marshal, as the case may be, shall be liable to be proceeded against by motion or suit at common law in the circuit court of Robertson county, or any other court having jurisdiction of the person of such recorder or marshal, as the case may be, and it shall be the duty of such court to enter up judgment against such delinquent officer and his securities for the money so received, or that ought to have been collected, in the name of the board of mayor and aldermen of the city of Springfield, for the use of said corporation; Provided, That if the proceedings be by motion, such officer and his securities shall have five days notice thereof. And if the city treasurer fail to account for and pay over all moneys received by him, and to perform the duties of his office according to law, he and his securities in like manner may be proceeded against.

Sec. 32. Be it further enacted, That the first election under this act shall be holden on the first Saturday in May, 1899, and that the present board of mayor and aldermen, marshal, recorder, and treasurer shall hold over until their successors are elected and qualified.

Public acts;
how ordinances
etc., proved.

Sec. 33. This act is declared to be a public act, and may be read in evidence in all courts of law equity, and all ordinances, resolutions and proceedings of the city may be proved by the seal of corporation, attested by the recorder, or by the production of the minutes of the city council, in which they are entered, and when printed and

lished by authority of the city council, the same shall be received in evidence in all courts and places without further proof.

Sec. 34. That the city council shall keep a complete record of all its proceedings, and a copy from its records, certified to by the recorder, shall be competent evidence in all courts of this state.

Record of council proceedings; copy evidence.

Sec. 35. Every person committed to the work house shall be required to work for the city at such labor as his health and strength will permit, within or without said city, not exceeding ten hours each day, and for such work and labor the person so employed shall be allowed, exclusive of his board, a credit upon such fine and cost of forty cents per day, until the whole is discharged, when he shall be released, but no person shall be compelled to work longer than three months for any one offense.

Fines worked out.

Sec. 36. That all ordinances and by-laws heretofore enacted by the city council, and now in force and not repealed and rescinded by them, or by this act, shall be and remain in full force and effect until altered or repealed under this act.

Sec. 37. Be it further enacted, That the corporate limits of the city of Springfield shall be and constitute one of the school districts of Robertson county.

School may be established.

1. The board of mayor and aldermen of said town shall have the power to provide for and establish a system of free schools for all classes of children in said town, as hereinafter provided, between the ages of six and twenty-one years, and to regulate the same so as to avoid sectarian influence.

2. To levy and collect a tax for public school purposes upon all property within the town, taxable under the laws of the state, and, also, upon all taxable polls and privileges, said ad valorem tax not to exceed fifty cents on the hundred dollars worth of property.

3. The board of education shall consist of six male freeholders, who shall be elected by the qualified voters of the city of Springfield, at an election to be held the first Saturday in July, 1899, and shall hold their offices for six years, except that those elected in July, 1899, shall hold their offices as follows: The two receiving the highest votes shall hold for

Board of education; terms of office.

six years, the two receiving the next highest votes shall hold for four years, and the two receiving the lowest vote shall hold for two years; and the first Saturday in July, 1901, there shall be elected by the qualified voters of said city two members of said board, and biennially thereafter there shall be elected by said voters two members of said board.

Duties of
board of edu-
cation.

Sec. 38. Be it further enacted, That it shall be the duty of the board of education to organize by the election of one of their members as chairman and one as secretary of said board, all of whom shall serve without salary except the secretary of said board, whose salary shall be fixed by the board of mayor and aldermen, as allowed by state laws to district school directors; to employ a superintendent and teachers for the public schools of said town; and by and with the consent of the city council to purchase and rent ground and buildings or erect suitable buildings for public school purposes, taking the title in the name of the board of mayor and aldermen of the town of Springfield, and its successors in office, and to sell or exchange such real estate when deemed advisable, having first obtained the consent of the mayor and city council thereto.

Sec. 39. Be it further enacted, That it shall be further the duty of the said board of education to keep a well bound book in which shall be recorded all of the official acts, and which shall be open to the inspection of the voters and tax-payers of said town at all reasonable hours; to keep separate schools for white and colored children and to make such other arrangements as may be necessary to carry out the objects and purposes of this act.

Nonresident
children may
attend school,
when.

Sec. 40. Be it further enacted, That the board of education may permit children living outside of the corporate limits of said town to attend said schools provided for in this bill, by requiring such children, their parents or guardians, to pay tuition to said board of education, the rates and terms of tuition to be fixed by said board, and the money so realized shall go into the school fund of the town. And when any such person living outside of said corporation shall attend or send to said school, and shall own property in the corporation limits of said town, an

shall pay a school tax on the same in said corporation, the board may allow credit on the tuition account of such person to the amount of the school tax paid by such person to the corporation the same year that such person shall attend or send his child, children, or ward to said school; but no credit shall be allowed to such person on any tuition account or school taxes paid the corporation any other year than that in which such person shall send his child, children or wards to said school, and no credit or benefit shall be allowed any such person for taxes paid in excess of such person's tuition account.

Sec. 41. That the present members of the board of education shall serve until their successors are elected and qualified under the provisions of this act.

Sec. 42. All school taxes collected in the limits of the corporation of the town of Springfield shall, by ^{School taxes.} the county trustee and other officers collecting them, be paid over to the treasurer of said town of Springfield, who shall hold the same for school purposes.

Sec. 43. Be it further enacted, That an act passed December 23, 1845, being Chapter 30 of Acts of 1845-6, entitled, an act to incorporate the town of Springfield, Robertson county, and Chapter 30, Acts of 1853-4, and sections 36, 37, 38, and 39 of Chapter 107, Acts 1867-8, Chapter 81 of Acts of 1881, and all other acts or parts of acts contrary to or inconsistent with the provisions of this act, are hereby repealed.

Sec. 44. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 13, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved April 17, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 233.

HOUSE BILL No. 576.

AN ACT to change the county line between the counties of Grainger and Union.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the line between Grainger and Union counties be changed so that the lands owned by J. A. Popejoy and E. E. Dyer be detached from Grainger county and placed in Union county.

Sec. 2. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 7, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 12, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 234.

HOUSE BILL No. 596.

AN ACT to appropriate the sum of \$25,782.13 to pay claims made by the state for the federal government in the late Spanish-American war.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the sums and amounts hereinafter specified, respectively, be, and they hereby, ordered and directed to be paid out of moneys in, or to come into, the treasury of the state to the persons, associations, and corporations hereinafter named, respectively, as follows:

| | | |
|--|---------|----|
| Schoenpflug Brothers, Nashville | \$3,968 | 22 |
| Masonic Building, Nashville | 5 | 00 |
| Jno. M. Ozanne, agent, Nashville | 2 | 10 |
| A. E. Hawthorne & Co., Nashville | 21 | 02 |
| Foster & Webb, Nashville | 4 | 75 |
| Bourke & Co., Nashville | 47 | 20 |
| Cumb. Elec. Light & Power Co., Nashville | 34 | 98 |
| Lyles, Davis & Goodall & Co., Nashville. | 140 | 00 |
| J. S. Reeves Co. | 273 | 45 |
| T. J. Mooney | 8 | 20 |
| Duncan & Waddey | 20 | 00 |
| Thomas Nolan & Co. | 1 | 00 |
| C. C. Christopher & Co., Nashville | 90 | 00 |
| Yarbrough & Davis, Nashville | 32 | 50 |
| S. P. Dupre, Nashville | 8 | 00 |
| N., C. & St. L. Ry Co., Nashville | 9,852 | 97 |
| Cumb. Tel. & Tel. Co., Nashville | 70 | 60 |
| Postal Tel. & Cable Co., Nashville | 44 | 28 |
| Brandon Printing Co., Nashville..... | 121 | 65 |
| H. J. Fleinz Co., Nashville..... | 4 | 50 |
| J. W. Johnson | 22 | 00 |
| Western Union Tel. Co. | 262 | 04 |
| Joe T. Williams, Milan | 10 | 00 |
| New Southern Hotel, Jackson | 12 | 25 |
| Madison House, Jackson | 7 | 50 |
| Robert Moffitt, Jackson | 29 | 50 |
| J. F. Gray, Columbia | 7 | 50 |
| T. S. Wilcox, Chattanooga | 23 | 74 |
| Merriam & Son, Chattanooga..... | 327 | 54 |
| Card Bros., Chattanooga | 24 | 35 |
| E. L. Brantley, Chattanooga | 74 | 00 |
| Mike Kilroy, Chattanooga | 8 | 85 |
| C. H. Thompson, Chattanooga | 13 | 55 |
| W. E. Cheener, Chattanooga | 54 | 75 |
| A. J. Hull, agent, Chattanooga | 50 | 32 |
| Great Atlantic & Pacific Tea Co., Chat- tanooga | 9 | 46 |
| St. James Hotel, Chattanooga | 15 | 00 |
| Doc Hottum, Memphis | 278 | 75 |
| Voight Bros., Chattanooga | 6 | 75 |
| A. Muxen & Co., Chattanooga | 38 | 10 |
| Loomis & Hart Mfg. Co., Chattanooga... | 16 | 70 |
| Miller Bros., Chattanooga | 42 | 00 |
| R. Betterton & Co., Chattanooga..... | 6 | 40 |

| | | |
|--|-----|----|
| Magill Hardware Co., Chattanooga.....\$ | 45 | 86 |
| Mountain City Stave Mfg. Co., Chattanooga | 90 | 25 |
| Walker & Ware | 243 | 50 |
| D. B. Loveman & Co., Chattanooga | 372 | 34 |
| Davenport Bros., Chattanooga | 103 | 30 |
| Chattanooga Transfer Co., Chattanooga.. | 19 | 50 |
| Woolford & Co., Chattanooga | 6 | 75 |
| Mrs. N. Burk, Chattanooga | 61 | 05 |
| Cameron & Barr, Chattanooga | 3 | 50 |
| J. P. Clements, Chattanooga | 45 | 40 |
| H. Gushert & Co., Chattanooga | 12 | 18 |
| W. D. Roberts & Co., Chattanooga | 7 | 00 |
| E. A. Turner, Chattanooga | 8 | 18 |
| Chattanooga Rapid Transit Co., Chattanooga | 14 | 80 |
| E. M. Smith, Chattanooga | 50 | 00 |
| Times Printing Co., Chattanooga | 5 | 75 |
| Harry J. Hogan, Chattanooga | 6 | 30 |
| W. H. Hunt, manager, Chattanooga..... | 2 | 40 |
| Dr. S. W. Fain, Chattanooga | 13 | 00 |
| Dr. D. E. Nelson, Chattanooga | 22 | 00 |
| T. H. Payne & Co., Chattanooga | 1 | 05 |
| Trigg, Dobbs & Co., Chattanooga | 24 | 00 |
| J. H. Hargrove, Chattanooga | 4 | 00 |
| N. H. Talbott Mfg. Co., Chattanooga ... | 1 | 75 |
| Peabody Hotel, Memphis | 32 | 25 |
| Arlington Hotel, Memphis | 218 | 50 |
| L. L. Mivelaz, Memphis | 304 | 00 |
| Cumberland Telephone Co., Memphis... | 22 | 60 |
| Langstaff Hardware Co., Memphis | 10 | 62 |
| Francioli Hotel, Memphis | 69 | 25 |
| Jno. P. Schlocker, Memphis | 339 | 60 |
| R. W. Parham, Memphis | 11 | 25 |
| L. C. Goolsbe & Co., Knoxville | 2 | 40 |
| G. M. Dayton, Knoxville | 3 | 45 |
| Bracken Hotel, Union City | 25 | 25 |
| Cumberland Telephone Co., Union City. | 9 | 68 |
| J. C. Reynolds, Union City | 7 | 00 |
| Dr. E. A. Long, Johnson City..... | 5 | 00 |
| Dr. W. J. Miller, Johnson City..... | 17 | 50 |
| Piedmont Hotel, Johnson City | 13 | 75 |
| W. D. Fox, Murfreesboro | 90 | 60 |
| Forest Nixon, Centerville | 2 | 45 |

| | | | |
|--|-------|----|----|
| D. W. Mote, Harriman | \$ | 5 | 00 |
| S. P. Barnett, Waynesboro | | 9 | 02 |
| Mobile & Ohio R. R., Mobile, Ala. | | 40 | 42 |
| Peter Smith, Bull's Gap, Tenn. | | 21 | 00 |
| Marshall & Son, Ripley | | 4 | 50 |
| N. G. Willis, Rogersville | | 14 | 00 |
| Geo. P. Atchison, Erin | | 3 | 25 |
| H. H. Snyder, Elizabethton | | 7 | 00 |
| Sarah McKinney, Rogersville | | 4 | 75 |
| Stroud & Bruster, McMinnville | | 11 | 50 |
| Southern Railway Co., Washington, D. C. | 4,073 | 97 | |
| L. & N. R. R. Co., Louisville, Ky. | 1,555 | 48 | |
| Illinois Central R. R., Chicago, Ill. | 516 | 78 | |
| Dr. A. F. Richards, Sparta, Tenn. | 10 | 00 | |
| E. T. & W. N. C. R. R., Granberry, N. C. | 55 | 70 | |
| Paschal & Mason, McMinnville | 7 | 50 | |
| Paschal & Mason, Tullahoma | 9 | 75 | |
| Dr. S. S. Brumehly, Bridgeport, Ala. | 2 | 00 | |
| R. L. Stout, M.D., South Pittsburg. | 2 | 00 | |
| Gale Armstrong, Rogersville | 12 | 00 | |
| J. W. Roper, Bridgeport, Ala. | 9 | 00 | |
| Dr. G. W. Moody, Shelbyville | 10 | 00 | |
| C. N. O. & T. P. Ry. Co., Cincinnati, O.. | 732 | 13 | |
| Wm. York, Helenwood | 42 | 50 | |
| Nashville & Knoxville R. R., Lebanon.. | 175 | 25 | |
| David Robinson | 7 | 25 | |

Total\$25,782 13

The comptroller is hereby authorized and directed to draw warrant upon the treasury of the state for the said amounts, respectively, upon presentation of itemized vouchers approved by the adjutant general of Tennessee.

Sec. 2. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 13, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 17, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 235.

HOUSE BILL No. 608.

AN ACT to incorporate the town of South Pittsburg in the county of Marion, and make same a school district; provide for the election of the necessary officers, prescribe their duties, powers, and compensation, and define the city limits and the powers of said corporation; to repeal and amend the present charter of the same, and to provide for the payment of its outstanding obligations, and to codify all laws upon this subject into one act, and to authorize said city to issue bonds upon certain conditions.

Be it enacted by the General Assembly of the State of Tennessee as follows:

ARTICLE I.—CORPORATE NAME AND BOUNDARIES.

Name and style.

Section 1. That the inhabitants of the city of South Pittsburg, in the county of Marion, and State of Tennessee, within the boundaries hereinafter described, be, and they are hereby, constituted a body politic and corporate by the name and style of "The City of South Pittsburg," and by that name shall have perpetual succession, may sue and be sued, plead and be impleaded in all courts of law and equity, and have and use a common seal and alter the same at pleasure.

Boundaries.

Sec. 2. The corporate limits of the city of South Pittsburg shall be as follows: Beginning at a point in the center of the Jasper Branch Railroad in said county opposite the southeast corner of block No. 91 in the town plat of South Pittsburg as the same appears of record in the register's office at Jasper, Tennessee, thence westwardly with the south boundary line of block (91) ninety-one, (92) ninety-two, and ninety-three (93) to the center of the alley dividi

block ninety-three; thence with the center line of said alley dividing blocks ninety-three, eighty-six, eighty-five, and seventy-eight to a point opposite the corner of lots six and seven of said block; thence a direct line to a post in the center of a large sink hole, being formerly the corner of Chris Baumgartner's lot; thence north 35 degrees west 437 feet to a stake at the intersection of Eighth street and Contour avenue; thence north 11 degrees and 30 minutes west along base of mountain 1080 feet to center of Oak avenue; thence north 30 degrees and 15 minutes west 454 feet to the center of Pine avenue (505 southwestwardly from the intersection of Pine avenue and Fifth street); thence north 21 degrees w 694 feet to a stake in the center of Fifth street; thence north 18 degrees and 15 minutes west 371 feet to a stake in the center of Locust avenue; thence with the center of said Locust avenue northwardly 289 feet to the intersection of the center line of Locust avenue and Fourth street; thence westwardly with the center line of Fourth street 360 feet to the center of Birch avenue; thence northwardly with the center line of Birch avenue through the Valentino addition to a point in the continuation of the center line of First street; thence eastwardly with the center line of said First street to the intersection of said First street and Magnolia avenue; thence northwardly with the center line of said Magnolia avenue 225 feet; thence eastwardly so as to run 20 feet north of the north line of blocks Nos. 25, 24, 13 and 12 to the center of Cedar avenue; thence northwardly following the dirt road as it now runs, leading from South Pittsburg to Jasper, to a point in said road west of the Tennessee, Coal & Iron company's store house and thirty feet north of the same; thence easterly so as to run thirty feet north of said Tennessee, Coal & Iron company's store house so as to include the same, to a point in the center of the west switch track leading to the stock house; thence southwardly along the center of said switch track to a point where same is intersected by a culvert; thence a direct line to a point in the center of said avenue opposite the northeast corner of block, numbered and twelve (112), as the same appears on a plat map of the town of South Pittsburg, Tennessee; thence southernly with the center line of

Additions to
city accepted.

Ashe avenue to Bostick's addition and with a continuation of the same through Bostick's addition to the south boundary line of said addition; thence westerly with the south boundary line of Bostick's addition to the Jasper branch railroad; thence southerly with the Jasper branch railroad to the beginning. And all parks, public grounds, streets, avenues, alleys and other highways designated upon the plat of said city and the additions thereto heretofore made and filed in the office of the register of Marion county, by the landowners are hereby accepted on behalf of said city, provided such acceptance shall not impose any duty on said city to grade and improve the same, except as the same may be for the general convenience of the traveling public; And provided further, That said city shall have exclusive right of control over the same for the construction of waterworks, gas works, electric light plants, sewerage systems or any other public enterprises of whatever kind soever, or may grant franchises for such enterprises to private individuals, firms or corporations, on such conditions and to such an extent as the board of mayor and aldermen may deem best for the public good, and may regulate the business of such enterprises to any reasonable extent that the public interest may require, provided no exclusive right or franchise shall be granted.

Additions to
city, how
made.

Sec. 3. Whenever any territory adjacent to the city of South Pittsburg shall have been platted by the owner or owners thereof into streets, alleys, blocks and lots, corresponding to, and a map thereof made, showing also the adjoining lots and blocks of the city, and having appended thereto a written dedication of such streets and alleys to the public use, signed by the owners of the property, together with an abstract showing an unincumbered title in such owners, the board of mayor and aldermen may, upon their petition, declare by ordinance, upon such terms as said board may deem just, such platted territory to be addition to the city of South Pittsburg, and from and after the passage of such ordinance shall become a part of the said city, and within the jurisdiction and entitled to the privileges and benefits thereof as fully and effectually as though the same had been annexed by act of the legislature; Provided This section shall not apply to any lands of any

or other municipality having an outstanding indebtedness.

Sec. 4. That the said city as above described shall constitute one ward or voting precinct in all elections, One ward. and the polls of the respective elections shall be opened and held at such place as the county court and the board of mayor and aldermen may designate. All elective city officers shall be voted for by the city at large.

Sec. 5. That the old charter of the city of South Pittsburg, covering a part of the territory above described, which was granted by the secretary of state on October 24, 1837, and the amendment thereto, passed by the fiftieth general assembly of Tennessee, on January 22, 1897, being entitled "An act to amend the charter of the town of South Pittsburg, in the fourteenth and sixteenth civil districts of Marion county, Tennessee, which town was chartered under the general laws of the state, defining the duties of the mayor and providing for the laying out of said corporation into wards and what shall constitute a quorum, etc.," be, and the same are hereby, repealed and amended in accordance with the provisions of this act, and all the property, real, personal and mixed, belonging to the present city of South Pittsburg, shall be and continue the property of said city as herein chartered, and all taxes, due or to become due to the same shall be due to and collectible by said city, as hereinafter provided, and all obligations of said city evidenced by outstanding warrants, judgments or otherwise, shall be and remain a legal, subsisting obligation against said city as herein chartered, and payable in manner as hereinafter provided. Old charter and amendments repealed

Sec. 6. Said city, by the name and style aforesaid, is hereby authorized to acquire and hold all real and personal property necessary for the public uses of the inhabitants thereof, both within and beyond the limits of the city, and to sell and convey the same when no longer required for public use, as may be provided by ordinance, and the board of mayor and aldermen shall make all needful rules for the use of such property. May acquire and hold property.

ARTICLE 2.—LEGISLATIVE DEPARTMENT.

Mayor and al-
dermen, terms.

Sec. 1. The legislative power of the city of South Pittsburg shall be vested in the board of mayor and aldermen, which shall be composed of the mayor and six aldermen. The mayor shall be elected for one year and until his successor is elected and qualified. The aldermen shall be elected for two years or until their successors are elected and qualified, one-half of the number being elected each year, provided that at the first election hereafter held under the provisions of this act, the three candidates for aldermen receiving the highest number of votes shall be declared elected for the two years term, and the three candidates receiving the next highest number of votes shall be declared elected for the one year term.

Who eligible as
mayor or alder-
man; compen-
sation.

Sec. 2. No person not a citizen of the United States and of the State of Tennessee, and a freeholder and a bona fide resident of the city of South Pittsburg for at least one year next before his election, and a qualified voter in the general elections of the state, shall be eligible to the office of mayor or aldermen; Provided also, That no person who has a direct personal interest in any contract with the city or any department or institution thereof, or who shall have been convicted or is under indictment for any malfeasance in office, bribery or corrupt practices in relation to any public office shall be qualified to be elected to, or shall continue to hold after such disability attaches, the office of mayor or aldermen. The members of the board of mayor and aldermen shall receive such compensation for their services as said board may, by ordinance prescribe, but the compensation of the mayor shall not exceed five dollars per month, and the compensation of the aldermen shall not exceed three dollars per month, each.

Mayor's duties;
suspension and
trial of officer.

Sec. 3. The mayor shall preside at all meetings of the board, appoint committees, standing and special, and vote on all questions. In case of a tie the question shall go over as unfinished business to the next meeting. The mayor shall have general supervision and control over all city officers, and shall quarterly, or oftener, if necessary, examine into the condition of their respective offices, and every matter pertaining thereto, and may call upon such officer,

his clerk or deputy for full information in regard to the same. He shall have full power to suspend any city officer, when in his judgment the public welfare requires it, but shall submit to such officer at the time of his suspension, a written specification of the charges against him, and shall call the board of mayor and aldermen together within five days to try such suspended officer, and if a majority thereof sustain the mayor, such office shall be declared vacant, and the board proceed to fill the vacancy for the balance of the term, but this shall not apply to members of the board. Each board shall be judge of the qualification and election of its own members, except as herein provided, and shall make rules for its own proceedings, and with the concurrence of two-thirds of all the members-elect expel a member. Four members of the board, including the mayor, shall constitute a quorum for the transaction of business at a regular meeting, and five members at a special meeting, but a smaller number may adjourn from time to time, and may compel the attendance of absent members in such manner and under such penalties as each board may prescribe.

Boards to judge
as to election
of members;
quorum.

Sec. 4. A journal of the proceedings of the board of mayor and aldermen shall be kept by the recorder, upon which shall be entered each vote taken in the board by yeas and nays, and no action of the board, except to adjourn, shall have any force or validity, unless a majority of all members elect shall have voted in favor thereof.

Journal of
board.

Sec. 5. The board of mayor and aldermen shall hold a regular meeting once each month, and a special meeting whenever called by the mayor, and it shall be his duty to call such special meeting on the written request of three members specifying the purpose of the meeting, and no business shall be transacted not specified in the call. Until otherwise provided by ordinance, the regular meetings shall be held on the first Friday night in each month.

Regular and
special meet-
ings.

6. If any member shall be absent from a regular meeting of the board, he shall, unless excused by the board, forfeit and pay such sum as the board may fix.

7. The style of the city ordinance shall be,

“Be it ordained by the board of mayor and aldermen of the city of South Pittsburg.” Such ordinance shall be published by the city, and distributed as often as may be necessary for the information of the general public.

Passage of ordinance; veto.

Sec. 8. No ordinance shall be considered finally until it has been referred to a committee and a report made thereon, unless otherwise ordered by a two-thirds vote. Each ordinance shall be read and passed on three separate days and approved by the mayor before the same is operative. If the mayor approve the ordinance passed he shall indorse his approval thereon, if not, he shall within five days after its passage, return the same to the recorder, together with his objections thereto in writing. The mayor's objections shall be entered at large upon the journal and read in the next meeting of the board, when a vote shall again be taken upon the passage of said ordinance. If a two-thirds majority of all the members elect vote in the affirmative, the same shall be declared passed and become an ordinance with the same force and effect as if it had received the approval of the mayor. If the mayor fail for five days to return an ordinance, together with his action thereon, the same shall become fully operative, the same as if approved by him and the journal shall show how all these facts are.

Offenders; punishment; fines.

Sec. 9. The board of mayor and aldermen is hereby authorized to provide for the punishment of all offenders against the ordinances of the city by imprisonment not exceeding ninety days in cases where such offenders fail or refuse to pay the fines or forfeitures recovered against them, and also to prescribe by ordinance for all such offenders to work out said fines and costs on the streets of the city or in such other way as it may prescribe. All fines and forfeitures collected for offenses committed or penalties incurred against said ordinances shall be paid into the treasury of the city by the officers collecting the same and be disposed of as a part of the general revenues of the city.

Powers.

Sec. 10. The board of mayor and aldermen shall have the management and control of the city finances, except the school fund, and all property of the corporation, real, personal and mixed, and shall have power by ordinance—

1. To establish a system of sewerage.
 2. To appropriate money and provide for the payment of debts and expenses of the city.
 3. To open, alter, abolish, widen, extend, establish, grade, pave or otherwise improve and keep in repair, streets, avenues, lanes and alleys, sidewalks, drains and sewers, and to provide for the planting and protection of shade trees upon the streets, avenues and parks or other public grounds, and to regulate the same.
 4. To establish, erect and keep in repair bridges, wharves and ferries.
 5. To provide for the lighting of the streets and public grounds of the city in such way as may be cheapest and best, provided no contract with a private person, firm or corporation for this purpose to be operated for a longer period than one year, shall be binding or operative until ratified by a majority vote of the people at an election held for that purpose, and a synopsis of the contract shall be printed on the back of each ballot.
 6. To erect and maintain city waterworks or provide for same by contract, in the same manner as prescribed in paragraph 5 above.
 7. To provide all needful buildings for the use of the city.
 8. To license, regulate and tax any and all lawful occupations, privileges, business places, amusements, places of amusements declared to be privileges by the state, and to fix the rate of charges for the carriage of persons and property within the city by licensed hackmen, draymen and street railway companies.
 9. Exclusively to license and regulate billiard tables, bowling alleys and other places of public resort, and to restrain and regulate the selling or giving away of intoxicating, spirituous, malt or mixed liquors within the city; Provided, the privilege license levied for municipal purposes, on selling or tippling intoxicating liquors, including wines, ale and beer, shall not be less than five hundred, nor more than one thousand dollars per year.
- To prohibit and suppress the sale, distribution or circulation of obscene literature, prints, pictures or amusements of any kind; to suppress dance houses.

opium joints, gaming, gambling houses, dealing in lottery tickets or raffle drawings, prize fighting, cock-fighting, dog fighting, bawdy houses, disorderly houses or any places notoriously reputed to be kept for such purposes, whether occupied by one or more persons.

11. To regulate the storage of illuminating oils, explosives or combustible oils, or materials of any kind and to regulate the use of fire arms.

12. To regulate partition walls, partition fences and to restrain cattle, hogs, horses, sheep, dogs, fowls and other animals from running at large upon the streets, and provide for the impounding and sale of such animals, as in their discretion may seem to the public good.

13. To prevent the dangerous construction and condition of chimneys, fireplaces, stoves, boilers and apparatus, and prescribe regulations for the construction of buildings, and adopt and enforce any rules necessary for the prevention of fires.

14. To establish fire limits, and such general regulations for the prevention and extinguishment of fires as the board may deem expedient.

15. To provide for a fire department and fix their number and grant such exemptions or compensation as may be just, and prescribe their duties, etc., or may delegate this power to the fire department; to provide for care and management of reel, hose and all apparatus, and may procure such apparatus for the fire company as may be necessary.

16. To levy and collect a poll tax annually, not to exceed one dollar, upon every male person over twenty-one and under fifty years who have resided three months within the city.

17. To prevent or regulate the ringing of bells, blowing of horns or whistles auctioneering goods and all other noises, performances or devices tending to the collection of persons on the streets.

18. To regulate the running of street railway of any kind, the laying of tracks, the transportation of passengers, the kind of rails used, and to require street railway companies to lay tracks at the official grade and bring streets between sidewalks to such grade.

maintain streets between rails and for two feet on each side in good condition.

19. To regulate the use of locomotive engines, to direct and control the location of railroads, and to require railroads, at their own expense, to construct such bridges, approaches, tunnels or other public conveniences at crossings, and such viaducts and approaches over their tracks or alongside of the same as the board of mayor and aldermen may deem necessary, and to regulate the rate of speed of all trains within the city limits and their stops at street crossings, and may require them to maintain such check gates and guards as the public safety may demand.

20. To erect and maintain a workhouse and provide for the regulation and government thereof.

21. To regulate the rates to be charged for water rents for domestic purposes within the city limits.

22. To erect and maintain hitching racks and require all persons to hitch their horses thereto.

23. To establish and enforce quarantine regulations; to establish and regulate hospitals; to provide for the erection, management and regulation of slaughter houses within one mile of the city limits, to restrain and regulate the erection of soap factories, stockyards, pig pens, livery and cow stables, and generally to regulate or prevent the carrying on of any business detrimental to the public health and to declare, prevent or abate nuisances on public or private property and the cause thereof.

24. The board of mayor and aldermen shall have power to make all ordinances necessary and proper for carrying into execution the provisions of this act and the powers herein granted, and all ordinances which it may deem necessary or requisite for the good order, health, good government or general welfare of the city, and also for the protection of any city property, privileges and franchises, and to enforce the same by proper fine, imprisonment or other penalties.

ARTICLE 3.

Section 1. The executive power of the city shall be vested in a mayor, a city treasurer, a recorder, a Executive officers.

marshal, a city attorney and a pound master, each of whom, except the mayor, shall be elected by the board of mayor and aldermen, at their regular meeting in January of each year, for a term of one year, and until their successors are elected and qualified; provided the first board elect under the provisions of this act shall appoint such officers immediately on its organization to serve until January, 1900.

Mayor's monthly report; remit fines, etc.

Sec. 2. The mayor shall monthly give such information and make such recommendations in writing to the board as he may deem expedient for the interest of the city. He shall see that the laws are enforced, may remit fines, wholly or in part, but shall submit to the board his reason for so doing.

Preside in impeachment proceedings.

Sec. 3. In all cases of the examination of charges against any officer of the city the mayor shall preside, may administer oaths and issue subpoenas to compel the attendance of witnesses and the production of books and papers.

May call in aid.

Sec. 4. The mayor is hereby empowered to call upon every male inhabitant over eighteen years of age, to aid in enforcing the law, in extinguishing fires and preserving the public peace. Any such male inhabitant who shall wilfully refuse or neglect to obey such call from the mayor may be punished as the board of mayor and aldermen may prescribe.

Sec. 5. The mayor shall have power, and it is hereby made his duty to perform all acts that may be required of him by an ordinance duly enacted.

As to veto of annual appropriation.

Sec. 6. In the exercise of the veto power the mayor may veto the entire annual appropriation ordinance, or any part of the same. If any item of appropriation is vetoed, before same can become operative, it must be passed over the mayor's veto as prescribed above.

Vacancy.

Sec. 7. In case of a vacancy in the office of mayor, or in the board of mayor and aldermen, the same shall be filled at once by the qualified voters of the city at a special election called for that purpose.

Warrants.

Sec. 8. All warrants upon the city treasury and bonds, contracts or other obligations, except contracts with the teachers of public schools shall be signed by the recoder and the mayor and all legal process against the city shall be served on the mayor.

Sec. 9. It shall be the duty of the city treasurer to receive, receipt for and keep the money of the city and to pay out the same only on warrants drawn by order of the board of mayor and aldermen (except for school purposes), signed by the mayor and recorder and attested by the seal of the corporation.

Treasurer to receive funds; pay out on warrants.

Sec. 10. Every officer or agent of the city or other person who shall receive or have in his hands any money belonging to the city shall immediately pay same over to the city treasurer, and take his receipt therefor in duplicate, one of which shall be delivered to the recorder by the party paying over the money and kept by the recorder subject to public inspection. For every failure to pay over moneys to the city treasurer, or to deliver the treasurer's receipt therefor to the recorder for more than forty-eight hours after the moneys shall have been received by such officer, agent or other person, or as provided by city ordinance, such officer, agent or other person shall forfeit to the city double the amount of money not paid over as herein specified.

Failure to pay money to the treasurer.

Sec. 11. At the beginning of each calendar month the treasurer shall report to the board of mayor and aldermen the transactions of the treasurer's office during the previous month, which shall show the amount of money received and from whom and on what account, also a list of the city warrants, bonds or orders which have been redeemed by him or paid into the city treasury as money due the city, which said bonds, warrants or orders shall be canceled by him when received, a permanent list thereof made and kept, and the originals submitted with each report to the board to be destroyed. He shall also make an annual report to the board at the first meeting night in January of each year, and such other reports as the board may require. All reports made by the treasurer shall include receipts and expenditures for school purposes. If the city treasurer shall fail to report, as herein provided, he shall forfeit and pay to the city the sum of five hundred dollars.

Treasurer's reports.

Sec. 12. The city treasurer shall give a bond, payable to the board of mayor and aldermen, with sufficient sureties, to be approved by the board, in the sum of ten thousand dollars, or such additional sum as the

Treasurer's bond.

board of mayor and aldermen may, at any time direct, conditioned upon the faithful performance of the duties of his office in accordance with the provisions of this act and the general law, and to pay over to his successor all such sums of money as may be in his hands belonging to the city, and to turn over to his successor all books, papers, vouchers and property of every kind pertaining to the office.

Warrants. Sec. 13. All warrants upon the city treasury shall show the date of their issuance, date of allowance by the board, to whom issued, for what purpose, and from what fund payable. All city warrants shall be payable on demand, and in no event shall a city warrant draw interest.

Treasurer's compensation. Sec. 14. The city treasurer shall receive such compensation as the board of mayor and aldermen may allow, not to exceed two per cent. on the revenues received by him.

Recorder the general accountant; financial reports. Sec. 15. The city recorder shall be the general accountant of the city, and as such it shall be his duty to receive and preserve in his office all accounts, books, vouchers, papers, etc., relating to the accounts and contracts of the city, its debts, revenues and other fiscal affairs.

It shall be his duty to draw and register all warrants on the city treasury for all appropriations and moneys ordered paid by the board. He shall keep a true and accurate account of the revenues, receipts and expenditures of the city, and with the city treasurer and the different funds of the city. He shall see that no appropriations or funds are overdrawn or misapplied, that no liability is incurred or money or property of the city disbursed or disposed of contrary to law or ordinance. He shall, at the first meeting of the board of mayor and aldermen in each year, certify to the mayor the amount of money to be raised by taxation for the payment of the bonds, coupons and current indebtedness of the city. He shall monthly make a brief report of the financial condition of the city, showing the warrants issued, to whom and what fund, the outstanding indebtedness and the cash in the treasury, and the yearly estimate unexpended, and shall make a complete report in July and January of each year, showing financial condition.

the city. He shall keep complete tables of the resources, assets and liabilities of the city, of all contracts, names of contractors, amount of contract, amount paid and amount due, and a list of all employes of the city, the time worked and wages paid to each. He shall administer oaths and require all settlements, returns and reports made to him to be verified, and every claim against the city shall be itemized and sworn to, except the officers drawing a fixed salary, and no claim shall be allowed by the board, or warrant drawn therefor, except upon sworn itemized account.

Sec. 16.. The city recorder is hereby authorized to issue all privilege license or permits of every kind, which may be fixed by ordinance or granted to any person, and shall collect and receipt for the amount of such privilege license or permit fee, and shall be entitled to charge and collect, in addition to such license, a fee of fifty cents on all license under ten dollars per annum, and five per cent. of the amount collected upon all license of over ten dollars per annum. License may be issued quarterly, semiannually or annually, and shall be payable in advance in all cases. In no case shall the commission of the recorder be deducted from the license collected. On the issuance of any license the recorder shall give duplicate receipts therefor, one of which shall be deposited with the treasurer, and his receipt for same taken on back of license before such license becomes effective.

Recorder to issue licenses; fees.

Sec. 17. The recorder is the custodian of all the property of the city. He shall purchase all books, stationery, furniture, materials or supplies, except for school purposes, of every kind, upon requisition therefor made by the head of the department requiring the article to be purchased, and approved and directed filled by a resolution of the board. Bids shall be advertised for and such articles purchased from lowest and best bidder whenever practicable, but no bid shall be binding if he deem it unreasonable or too high.

Recorder to purchase city supplies.

Sec. 18. The recorder shall attend all meetings of the board of mayor and aldermen, and keep a full, true and complete record of the proceedings of such meetings. He shall have custody of the city seal, the

Recorder to keep minutes of board; custodian of public papers.

public records, the original roll of ordinances of the board of mayor and aldermen; all original contracts, deeds or certificates relative to the title of any property of the city; all official indemnity and security bonds, except his own, which shall be kept by the treasurer. He shall attest all public instruments or official acts of the mayor by his signature and the seal of the city. He shall certify over his signature and the city seal copies of any paper or record in his office, and may charge and receive therefor at the rate of ten cents per hundred words. Such certified copies shall be received as evidence in all the courts of the state.

Recorder to
preside over
city court.

Sec. 19. There is hereby established within and for the city of South Pittsburg, a city court, to be presided over by the recorder, who shall also be the clerk of his own court.

Jurisdiction
of city court.

Sec. 20. The city court of South Pittsburg is hereby invested with full power and authority to try all offenses for violation of the ordinances of said city, and is hereby invested with concurrent jurisdiction with justices of the peace in all civil and criminal cases under the laws of the State of Tennessee, and shall be entitled to the same fees as are now allowed by law to justices of the peace for like services in civil and criminal cases, under the laws of the State of Tennessee, and to such fees as shall be provided for by ordinance in all actions arising under the ordinances of the city.

Practice in
city court.

Sec. 21. The practice and procedure before said city court in civil and criminal cases, arising under the laws of the state, shall be those prescribed by law for justices of the peace, and for all actions and proceedings arising under the ordinances of the city, the said court may make and establish such rules of procedure as it may see fit, not inconsistent with the constitution or laws of the state, or ordinances of the city.

Judge pro
tem.

Sec. 22. In the event the recorder shall, either from absence or inability to act, be disqualified from sitting in any particular case, the mayor is hereby authorized to appoint a temporary judge for a definite time or a particular case, and such person shall

have full power to try all offenses against the ordinances of the city only.

23. If any person fail or refuse to pay the amount of privilege for which he or she may be liable when the same is due under the ordinances of the city, the recorder shall issue a distress warrant therefor, which shall be levied by the marshal upon the goods and chattels, lands and tenements of delinquent taxpayer and the same sold in manner as prescribed for sales under executions from courts of record to satisfy the delinquent tax and cost, and return thereof made to the recorder. The recorder shall be authorized to charge and collect a fee of one dollar for issuing and the marshal one dollar for levying, and the usual commissions for selling under each distress warrant, both for the collection of privileges and the collection of property tax. Warrant for tax.

Sec. 24. Whenever any property tax due the city becomes delinquent and is returned to the recorder, as hereinafter provided, the recorder shall issue his distress warrant for same, which shall be collected as prescribed in section 23 above.

Sec. 25. It shall be the duty of the city attorney to attend to all cases in any court in this state where in the city may be a party in interest; to advise the board, when required, of any legal question that may arise before them; to draw any proposed ordinance desired by any member of the board; to advise the mayor and all city officers in relation to their duties and from time to time make such reports of the status of suits in which the city is interested as may be required, and to perform such other duties as the board may, by ordinance, impose. Attorney's duties.

Sec. 26. The office of city attorney may be held by the recorder, when the board so directs, and the city attorney shall receive such compensation as may, by ordinance, be provided.

Sec. 27. The police force of South Pittsburg shall consist of one marshal, who shall be chief, and as many policemen as the board may direct. The mayor shall have power to appoint special policemen in cases of emergency. Police.

Sec. 28. The duties of marshal and policemen shall be under the direction of the mayor and in con-

Duties of marshal and police; sessions of city court.

formity with the ordinances of the city. They shall suppress all riots, disturbances and breaches of the peace, to apprehend any person in the act of committing any offense against the laws of the state or the ordinances of the city, and at all times, diligently and faithfully to enforce the ordinances of the city, and it is made their duty to prosecute any person violating the same, and they are hereby empowered to serve all process issued by or out of the city court, or issued by any justice of the peace in criminal matters within the limits of the city. It shall be the duty of every police officer making an arrest to at once bring the offender before the city court for trial, which shall hold a session every morning at 9 o'clock, for this purpose. If the city court is not in session when the arrest is made, then such offender shall be confined in the city jail until such time he can be brought before the city court for trial, unless he make bond for his appearance. The marshal and policemen shall receive such compensation as the board may fix.

Marshal to collect taxes, etc., bond.

Sec. 29. It shall be the duty of the marshal to collect all taxes, fines and penalties due the city, except privileges, as hereinafter provided, for which he shall receive a commission of two per cent. Before entering upon the discharge of his duty the marshal shall enter into a bond in the penalty of fifteen thousand dollars, conditioned upon the diligent collection and faithful accounting for all the city's taxes, fines and penalties.

ARTICLE 4.

Rate of tax.

Section 1. The city council shall have power and authority to levy taxes for city purposes upon all taxable property within the city limits, and upon privileges, but the rate of property tax shall not exceed seven and one-half mills on the dollar, or three-fourths per cent. of the assessment.

City assessment.

Sec. 2. In lieu of city assessment, it shall be the duty of the recorder to copy into a well bound book each assessment made for state and county purposes of all property within the city limits and certify the

same to the marshal, which shall be the city assessment.

Sec. 3. All city taxes shall be due and payable to the marshal on the first Monday in October of each year, and shall become delinquent on the 31st day of December of each year, and the marshal shall then return the tax book to the recorder, together with his oath that the same shows correctly all taxes collected by him, and all taxes uncollected and owing to the city, and the names of persons, description of property and amounts in both instances.

Delinquent
tax.

Sec. 4. The board of mayor and aldermen is hereby authorized to contract an indebtedness on behalf of the city, and on the credit thereof by borrowing money and issuing bonds of the city therefor in an amount not to exceed twenty-five thousand dollars, and at a rate of interest not to exceed six per cent., payable in legal tender money of the United States, and due at such times as the board may fix, not to exceed twenty-five years from date of issuance. All moneys arising from the sale of such bonds shall be used for the purpose of constructing and maintaining public sewers for the city and for the purpose of grading, paving and improving public streets and alleys and constructing and reconstructing sidewalks, curbing and guttering for the city, and for sanitary improvements;

May issue
bonds for cer-
tain improve-
ments.

Provided, That no such debt shall be created, nor bonds issued unless the question of incurring the same and issuing the bonds shall be submitted to a vote of the qualified electors of the city at an election opened and held for that purpose, wherein a majority of all the voters voting therein by ballot, shall vote in favor of the issuance of such bonds.

Election as to
issuance.

Sec. 5. The board shall not order the payment of any money for any purpose whatever in excess of the amount appropriated for the current year, and at time remaining unexpended to the credit of the particular department to which the fund belongs.

Not to exceed
appropriation.

Neither the board nor any member thereof shall have power to bind the city, except as herein specified for the payment of any money until a definite amount shall have been appropriated for the liability of the city in that department, which appropriations

shall be the maximum of the city's liability in that department; Provided, That nothing herein shall prevent the city from paying any expense the necessity of which is caused by any accident, casualty or unforeseen contingency happening after the passage of the appropriation ordinance.

Change of
street grade.

Sec. 6. The board shall have power to establish the grade of streets, which grade shall not be changed unless three-fourths of the property owners abutting upon such grade shall petition the board for the change.

Sec. 7. The board may, by ordinance, order the construction or reconstruction of any sidewalk upon the official grade in the city.

May condemn
private prop-
erty.

Sec. 8. Whenever the board shall, by ordinance, establish, open, widen or alter any street, lane or alley, and it becomes necessary for that purpose to take private property, and no agreement can be made with the owner thereof, upon reasonable terms, the city shall make just compensation therefor to the owner, the amount to be ascertained in the manner prescribed in the general law. No action shall be taken to acquire title in this way unless ordered by a two-thirds vote of all members elect of the board.

Construction
of sewers.

Sec. 9. Public sewers shall be established and constructed at such times, to such an extent, and of such dimensions and under such regulations as may be provided by ordinances, and the city may condemn and take private property for this purpose upon making compensation therefor as prescribed by law, provided such sewers shall follow the streets and alleys whenever practicable.

Street and
sewer fund.

Sec. 10. Not less than twenty-five per cent. of the total revenues of the city, from all sources, shall be set apart and expended by the board in the construction and improvement of streets and sewers, exclusive of street lights, provided one-half of the amount so set apart shall be a sinking fund for the payment of the interest and principal of the street and sewer bonds in case of a bond issue as herein provided. Another twenty-five per cent. or more of the total revenues of the city, from all sources, shall be set apart by the board as a school fund, which shall be in addition to the school money derived from

School fund.

state and county levy and which shall be paid to the treasurer of the school board, to be expended by said school board as herein provided.

ARTICLE 5.

Section 1. The city of South Pittsburg is hereby created a separate school district. The common schools in said city shall be managed and controlled by a board of directors, composed of six (6) persons, who shall be elected by the qualified voters at the same time as the other elective officers of the city. The two candidates receiving the highest number of votes at the first election held hereunder shall serve three years, the two receiving the next highest two years, and the two receiving the next highest one year, respectively, not computing the time till the regular election, and two members of said school board shall be elected every two years thereafter. In case of a vacancy caused by death or otherwise, the same shall be filled by special election by the people until the next general election. No person shall be eligible for membership on the school board who has not been a bona fide resident of the city for two years next preceding his election, and is a freeholder and a legal voter of said city and has a child or children of school age.

School directors; election; term; who eligible.

Sec. 2. The said school board shall, at their first meeting, organize by the election of a chairman and a secretary. The chairman shall preside at all meetings, call a special meeting at the written request of three members, vote on all questions, and in case of a tie, the question going over as unfinished business, and together with the secretary sign all contracts on behalf of the board, when authorized so to do by resolution of the board. The secretary shall keep the minutes of the meetings and a copy of all contracts made by the board. All orders upon the treasury shall be signed by the chairman and secretary upon resolution of the board. All process against said school district shall be served upon the chairman of the board. The city treasurer shall be treasurer of the board, and shall have power to receive from the

Officers of board; process; city treasurer is treasurer of board.

state and county officers all school moneys to which the district may, from time to time, become entitled, and shall disburse the same upon the order of the chairman and secretary of the school board. The said board shall have all the powers and perform all the duties that now are, or hereafter may be, required by the laws of the state, of district directors.

Course of
study; board a
body corporate.

Said board shall prescribe a course of study to be taught in said school, which, in addition to the common school studies shall include a thorough preparatory course in the higher branches sufficient to qualify the students therein to enter upon the classical course with the freshman class in any college or university of the state. The said board, by the name and style of the "Board of Directors of the South Pittsburg School District," shall be a body corporate, with power to sue and be sued, contract and be contracted with, and to take and hold real and personal property for school purposes and sell and convey the same when to the best advantage of the schools of the city, and it is hereby declared to be the successor to the school authorities heretofore existing within the limits of said school district, and as such successor is hereby vested with the legal title in trust for school purposes of all school property, both real, personal and mixed, heretofore vested in such school authorities, or in trustees for school purposes.

State school
laws apply;
school fund.

Sec. 3. The general laws of the state in regard to common schools shall apply to the city of South Pittsburg, so far as the same are not modified herein, and the said district shall be entitled to all sums of money from the general school fund that it would be entitled to receive if the district was organized under the general laws of the state.

ARTICLE 6.

Notice of in-
jury to person.

Section 1. Before the city of South Pittsburg shall be liable for damage to any person for injury to person or property, the person aggrieved, or some one for him, shall give the mayor of the city notice in writing of the injury complained of within thirty

days after the injury occurred, stating when, where and how same occurred and the extent thereof.

Sec. 2. This act is hereby declared to be a public act, and may be read in evidence in all the courts of law and equity within this state, without proof.

Sec. 3. It is hereby made the duty of the election commissioners of Marion county, to at once appoint three judges, two clerks and an officer of election, who shall, on the first Monday in May, 1899, within legal hours and at such place as election commissioners may designate, open and hold an election for the officers of the municipality and members of the school board, provided for in this act.

Sec. 4. All persons who own real estate within the city limits, or who are legal voters under the laws ^{Electors.} of the state, and have been continuous bona fide residents of the city for two years next before the election, shall be qualified voters in any election held in said city for municipal purposes.

Sec. 5. This act shall take effect from and after its passage, the public welfare requiring it.

Passed April 6, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 12, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 236.

HOUSE BILL No. 624.

AN ACT to amend chapter 170, of the Acts of 1897, so as to provide that all legal and qualified voters of the third civil district of Overton county, Tennessee, shall have the right to vote in the election of justice of the peace and constable for the town of Hillham.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That chapter 170, section 2, of the Acts of 1897, the same being an act to create the offices of justice of the peace and constable for the town of Hillham, be so amended as to provide that all legal and qualified voters of the third civil district of Overton county be, and the same are hereby, authorized to vote and participate in the election of justice of the peace and constable for and in the town of Hillham, Tennessee.

Sec. 2. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 7, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 12, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 237.

HOUSE BILL No. 646.

AN ACT to establish a circuit and chancery court at Dickson; to regulate the proceedings thereof; to require the judge of the circuit and chancery courts of Dickson county to hold said courts, and the attorney-general of the Dickson county circuit court to discharge the duties of his office for the circuit courts, and to define the jurisdiction of said courts.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That a circuit court be, and is hereby, established, and shall be held at Dickson for the first, second, third, fourth, fifth, twelfth, and thirteenth civil districts of Dickson county, and shall be called the circuit court of Dickson, and shall be held by the judge of the circuit court of Dickson county, and the jurisdiction of said circuit court, both law and criminal, shall be coextensive with the limits of said first, second, third, fourth, fifth, twelfth, and thirteenth civil districts. Circuit court of Dickson established; who to hold; jurisdiction.

Sec. 2. Be it further enacted, That said circuit court shall hold three regular terms each year—the third Mondays in March, July, and November. Terms.

Sec. 3. Be it further enacted, That said circuit court shall have exclusive general common law jurisdiction, original and appellate, in all civil cases at law, or cases of a criminal character arising in such civil districts of Dickson county, to-wit: 1, 2, 3, 4, 5, 12 and 13. Counterpart writs may issue from this court for joint defendants residing out of its jurisdiction. Jurisdiction.

Sec. 4. Be it further enacted, That said circuit court of Dickson shall have all the powers within its full jurisdiction that belong to the circuit courts of the state.

Sec. 5. Be it further enacted, That the judge of said court shall order the impaneling of a

Grand jury; attorney-general of Dickson to attend.

grand jury, which shall have the same power within the local jurisdiction of this court, and shall be governed by the same laws as other grand juries. The attorney-general for the circuit court of Dickson county shall attend this court and transact all the business appertaining to his office thereat; and the salary of the judge and attorney-general shall not be increased by reason of the additional labor incident to the establishment of this court.

Jurors.

Sec. 6. Be it further enacted, That the judge herein provided for holding the circuit court at Dickson, before the convening of his courts at Dickson, shall designate and cause to be summoned by the sheriff or his deputies, a sufficient number of residents of said districts to serve as jurors for this court.

Clerk.

Sec. 7. Be it further enacted, That the clerk of the circuit court of Dickson county shall be clerk of this court, and shall keep an office by himself or deputy at Dickson, which shall be constantly open for the transaction of business.

Sheriff to attend.

Sec. 8. Be it further enacted, That the sheriff of Dickson county, by himself or deputies, shall do and perform all the duties appertaining to his office necessary to be done as in other courts; shall serve as officer of said court, and perform the duties and receive the emoluments as such officer attending other circuit courts in this state.

Expense.

Sec. 9. Be it further enacted, That the expense of holding this court at Dickson shall be paid as the expenses of circuit courts are now paid by the existing laws.

Chancery court of Dickson established; jurisdiction.

Sec. 10. Be it further enacted, That a chancery court be, and is hereby, established, to be called the chancery court of Dickson. This court shall be held at Dickson, and shall have original jurisdiction over all equity causes arising within the 1, 2, 3, 4, 5, 12, and 13 civil districts of said county of Dickson.

Sec. 11. Be it further enacted, That the chancery court, to be called the chancery court of Dickson, shall possess all the powers of other chancery courts in this state, and is vested with full power to try and determine equity causes, within its jurisdiction. other chancery courts in this state.

Sec. 12. Be it further enacted, That the cler¹

master of the chancery court at Charlotte be the ^{Clerk and master.} clerk and master of this court, and that he, or by deputy, shall do and perform all the duties devolving upon him by law needed to be done in conducting the business of said court; that the same emoluments be allowed him for like service as in any other chancery courts of this state; Provided, He comes within the law governing clerk and masters as to fees, etc.

Sec. 13. Be it further enacted, That the judge of the chancery court of Dickson county shall hold this ^{Who to hold.} court and have all the power and authority now governing chancellors in holding chancery courts in this state. The jurisdiction in the seven civil districts named shall be the same to this court as counties are to other chancery courts.

Sec. 14. Be it further enacted, That no additional salary shall be allowed the judge of the circuit and ^{No additional salary.} chancery courts of Dickson county for holding and transacting the business of this court, but the same shall be done by virtue of the office they hold.

Sec. 15. Be it further enacted, That the courts herein provided for be held at the court house in ^{Where held.} Dickson, built and furnished by the citizens, so that no expense may be attached to the establishment of these courts.

Sec. 16. Be it further enacted, That the chancery court shall be held on the second Monday in March ^{Chancery court terms.} and August in each year.

Sec. 17. Be it further enacted, That all laws and parts of laws in conflict with this act be, and the same are hereby, repealed, and that this act take effect from and after its passage, the public welfare requiring it.

Passed April 11, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 14, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 238.

HOUSE BILL No. 656.

AN ACT to authorize the taxing district of the town of Jonesboro to issue interest bearing bonds for the purpose of erecting or purchasing, maintaining and operating an electric light plant for said town, and to provide for the payment of said bonds and for the submission of the issuance of said bonds to the legal voters of said municipality.

May issue
bonds for elec-
tric light plant.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the taxing district of the town of Jonesboro, in its corporate capacity, through its board of commissioners be, and is hereby, authorized to issue interest bearing coupon bonds, not exceeding ten thousand dollars in amount, of such denominations as said board may deem proper, payable in lawful money of the United States, to enable said taxing district to construct, equip, and operate, or to purchase and operate, an electric light plant for the use and benefit of said town.

Interest; num-
bered; matu-
rity.

Sec. 2. Said bonds shall be payable to bearer, or to the order of such person as said board of commissioners may contract with respecting said plant, and shall bear interest at the rate of five per cent. per annum, payable semi-annually, and shall be numbered consecutively, beginning at (1) one, and have coupons attached thereto for each semi-annual accrual of interest, each of which shall be numbered concurrently with said bonds, and show the interest charge they severally represent, and shall, like said bonds, be negotiable. Both bonds and coupons shall be signed by the chairman of said board of commissioners, and the recorder of said taxing district, and said bonds shall be attested by the seal of said corporation; the signatures of said chairman and recorder may be lithographed to said coupons. Said bonds shall mature in ten years from the date of their issuance, and both they and said coupons shall be pay-

able at the office of the recorder of said taxing district.

Provided, That after two years from the date of said bonds, said taxing district may, at its option, on five days notice to the registered holders of same, pay off any of said bonds.

Provided, however, That in no case shall the holder be required to accept less than the full amount of a bond on any offer to redeem; but it shall be lawful for said bonds to be redeemed when presented at any time before their maturity. Said bonds shall not be disposed of for less than their par value, and the funds arising therefrom shall not be used for any purpose than that contemplated by this act. And no greater amount of said sum of ten thousand dollars shall be issued than shall be sufficient to secure a fully equipped and going electric light plant of sufficient power and capacity to furnish lights for said town.

Sec. 3. After the issuance of said bonds, the board of commissioners for said taxing district shall annually levy a tax upon the taxable property, privileges, and polls therein, sufficient to pay the interest on said bonds as same accrues, and to provide a sinking fund to meet the principal at maturity; said tax to be kept separate from all other taxes; and the fiscal officer of said taxing district charged with the custody of said fund shall execute a bond with security, properly conditioned, payable to the state for the use of said taxing district, for the security of said fund, and said taxes shall be applied to the payment of the interest on said bonds and the principal at maturity, or before if offered for redemption, under the provisions of this act. The coupons attached to said bonds shall be receivable, as they mature, in payment of all ordinary taxes due said taxing district, except that they shall not be receivable for taxes assessed to create said sinking fund.

Sec. 4. The board of commissioners of said taxing district are hereby authorized and empowered to provide by purchase or otherwise, a lot or plat of ground sufficient for the purpose, and to have constructed thereon such buildings as may be necessary, and purchase machinery and equipment, and have set up and

Interest and sinking fund tax.

May acquire electric light plant; income to be revenue of said taxing district.

put in operation at said town a modern electric light plant of sufficient power and capacity to afford lights for the streets, public buildings, and citizens therein; or said commissioners may, in their discretion, purchase such plant already constructed and equipped, and take conveyance thereof to said taxing district, or to themselves and their successors in office in trust for said municipality; and in either event, all right in and to said plant as property shall be vested in fee in said corporation for corporate purposes, and the same shall be under the control of said board of commissioners, who shall prescribe by ordinance proper rules and regulations for operating same, and are authorized and empowered to employ all necessary agents and procure all necessary material and supplies to operate and carry on same, and may, in addition to supplying lights for the public streets and buildings of said town, contract to supply lights to individuals, firms, or corporations, charging such price therefor as may be agreed on; but all rates and charges shall be equal and uniform in all cases of like character; and the income derived from the operation of said plant shall be likewise under the control of said commissioners, and shall constitute a part of the revenues of said taxing district.

Register of
bonds; cancel-
lation.

Sec. 5. The board of commissioners of said taxing district shall keep in a well bound book a registry of the bonds issued under this act, which registry shall show the number, date, amount, the number of coupons attached and to whom issued, of each and every bond, and the registered holder of such bond shall for all purposes of notice be deemed the true holder, and when any coupon or bond shall have been paid, same shall be canceled and wholly defaced, and the fact of such payment and defacement and the date thereof shall be entered on such registry.

Election as to
issuance.

Sec. 6. Before said bonds shall be issued the board of commissioners of said taxing district shall, by ordinance, direct an election to be held in said district publishing the time of said election for twenty days to authorize the issuance of said bonds; and at said election those voting for the issuance of said bonds shall have written or printed on their ticket "Bonds," and those voting against said proposition

shall have "Against Bonds." All legally qualified voters under the law or the charter provisions of said taxing district residing therein, shall be entitled to vote in said election.

Sec. 7. If at said election a majority of the qualified voters of said taxing district vote in favor of the issuance of said bonds, then same shall be issued, otherwise not.

Sec. 8. This act shall take effect from and after its passage, the public welfare requiring it.

Passed April 7, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 17, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 239.

HOUSE BILL No. 657.

AN ACT to change the time of holding the circuit court for Blount county, Tennessee.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the time of holding the circuit courts for Blount county, Tennessee, be, and the same are, changed from the fourth Mondays of January, May, and September as heretofore, and will hereafter be held on the third Mondays of January, May and September.

Sec. 2. Be it further enacted, That all bonds shall be taken and all processes and subpoena for witnesses heretofore and hereafter issued, shall be, and are hereby, made returnable to the courts at the time and places fixed for holding the same in the foregoing section of this act.

Sec. 3. Be it further enacted, That all laws and arts of laws in conflict with this act be, and the same

are hereby, repealed, and that this act, take effect from and after its passage, the public welfare requiring it.

Passed April 7, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 12, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 240.

HOUSE BILL No. 671.

AN ACT to incorporate the town of Friendship, in
Crockett county, Tennessee.

Name and
style; acquire
property; seal.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the town of Friendship, in the county of Crockett, and the inhabitants thereof, are hereby constituted a body politic and corporate by the name and style of "The Mayor and Aldermen of the town of Friendship;" and by the same may sue and be sued, plead and be impleaded in all the courts of law and equity and in all actions whatsoever; and may grant, receive, purchase and hold real, personal and mixed estate, and dispose of the same for the benefit of said town and for that purpose alone, and do all other acts touching the same as natural persons for the benefit of said town, and may have a town seal.

Boundaries.

Sec. 2. Be it further enacted, That the boundary of said town shall be as follows:

Beginning at the public well on Main street in said town and running north six hundred yards to a stake; thence west four hundred yards to a stake; thence south one thousand yards to a stake; thence east one thousand yards to a stake; thence north one thousand yards to a stake; and thence west six hun-

dred yards to the stake six hundred yards north of the public well.

Séc. 3. Be it further enacted, That said corporation Powers shall have full power and authority—

1. To enact and pass such laws and ordinances necessary and proper to preserve the health of the town.

2. To prevent and remove nuisances.

3. To establish night watches and patrols, and to employ all necessary police officers to preserve the peace and enforce the ordinances of said town.

4. To punish breaches of the peace or good order within its jurisdiction; to ascertain and declare when necessary the boundaries and alleys and streets.

5. To grant privileges and the use and enjoyment of the same.

6. To provide for the working and paving of the streets and alleys, and for the building and repairing of sidewalks.

7. To sell and dispose of streets and alleys if unnecessary, and for the public good.

8. To provide for licensing and regulating auctions.

9. To tax, regulate, and restrain theatrical and other public amusements and shows within the bounds of said corporation.

10. To restrain and prohibit gambling.

11. To establish inspections within the town.

12. To erect and regulate the markets.

13. To provide for the establishment and regulation of fire companies and the sweeping of chimneys.

14. To dig wells, and erect cisterns, and otherwise to make arrangements and contracts for supplying the town and inhabitants with water, and make contracts for lighting the town with gas, electricity, or otherwise, and to regulate such gas and electric light companies.

15. To impose, collect, and appropriate fines, forfeitures, and penalties for a breach of their laws and ordinances.

16. To lay and collect taxes for the purpose of carrying the necessary measures into operation for the benefit of said town, the amount of said taxes to be levied and collected to be controlled by the constitution and laws of the state.

17. To appoint a recorder and town constable.

18. To restrain tippling licenses, and regulate the sale of intoxicating liquors, including beer, ale, and all malt liquors.

19. To build and keep in good condition a lockup or calaboose for the safe keeping of persons before trial, and after trial if necessary, in order to collect or have worked out fines of those who may violate any of the laws or ordinances of the corporation.

20. To prevent and restrain riot, noise, disturbances, or disorderly assemblages or other disorderly conduct in any street, house, or place within the town.

21. To establish and enforce quarantine laws and regulations, and enforce the same within the town and within one mile thereof.

22. To prevent and regulate the use of fireworks, squibs, Roman candles, skyrockets, etc.

23. To prohibit and suppress disorderly or bawdy houses and houses of ill fame.

24. To establish and maintain a school within said town, and for that purpose a school tax may be levied in addition to that levied for county purposes, not to exceed in amount the school tax levied and assessed for county purposes. The board of mayor and aldermen may select a board of education consisting of three male voters resident within the corporate limits, and who shall give bond in such sum as the board of mayor and aldermen may require to perform their duty, and who shall have power, together with the mayor, to employ teachers and provide the method in which said school shall be run, and otherwise run and operate said school in said town.

What officers
elected by people.

Sec. 4. Be it further enacted, That the officers of the town of Friendship to be chosen by election of the people shall be a mayor and six aldermen, and that the mayor and aldermen shall constitute and compose the board of mayor and aldermen of said town, five of whom shall constitute a quorum at any meeting; that all the said officers shall be bona fide citizens and voters in said town; they shall be elected by the qualified voters of the town, and they shall hold their offices for two years, and until their successors are elected and qualified. In case any of said officer remove from the corporate limits of said town durir

their respective terms of office, they shall thereby vacate such offices. The terms of all said officers to be elected by the people shall begin on the first day after they receive their certificate of election, and thereafter on the first Tuesday in April of each two years, and shall continue until their successors are elected and qualified. The officers of the town of Friendship to be elected by the board of mayor and aldermen shall be a recorder, a treasurer, a marshal, and such other officers, agents, and servants as the board of mayor and aldermen may deem necessary, and may provide for by ordinances. The recorder shall be chosen from the aldermen elect by the board of mayor and aldermen, and the treasurer and marshal shall be chosen from the bona fide residents and qualified voters in the corporation other than members of the board of mayor and aldermen, and no person shall be eligible to hold the offices of mayor, treasurer, or recorder who is not a householder, and who does not at the time of his election own as much as \$100 worth of real estate in his own name in said corporate limits; and no person shall be an alderman or marshal who is not at the time of his election or appointment a householder within said corporate limits. The recorder, treasurer, and marshal shall be elected at the first meeting of the board of mayor and aldermen in each year after the general election for officers of said corporation by ballot. The board of mayor and aldermen shall have the power to prescribe the duties of all such officers, agents, and servants. The board of mayor and aldermen shall have the power to dismiss and remove any officer, agent, or servant elected by voters of the town, or elected or appointed by the board of mayor and aldermen, for any misdemeanor or misconduct; Provided, That it shall take two-thirds vote of the mayor and aldermen to so dismiss and remove any officer elected by vote of the people of the town, and their places shall be filled as in cases of vacancies. The mayor, aldermen, treasurer, recorder, and marshal shall, before entering upon the duties of their office, take an oath before some justice of the peace of Crockett county to faithfully and honestly discharge their duties as such officers during their continuance in office.

Recorder,
treasurer,
marshal, etc.,
elected by
board; who eli-
gible.

Board may
dismiss officers,
etc.

5. Be it further enacted, That neither the

As to salaries.

mayor nor any alderman, recorder, or treasurer shall receive any salary, but the mayor and recorder shall have and receive the fees and perquisites of the respective offices; and that the board of mayor and aldermen shall have the power to fix the salaries and compensation of all other officers, agents, and servants of the corporation, and that salary or compensation shall be fixed before the officer is elected or inducted into office, or the agent or servant is employed, and that the salary or compensation shall not be increased during their continuance in office.

As to election
of mayor and
aldermen.

Sec. 6. Be it further enacted, That the election for mayor and aldermen and marshal of the town of Friendship shall be held by the sheriff of Crockett county, or his deputy, assisted by two clerks and three judges, to be appointed by the officer holding the election; said judges and clerks shall be legal voters in said town. The first election shall be held within fifteen days after the adoption of this instrument by the legal voters of said town, and thereafter on the first Tuesday in April of every year thereafter. The votes in all elections shall be by ballot, and the board of mayor and aldermen shall fix, by ordinance, the place, house, etc., of holding said elections and in the election to adopt or reject this charter it shall be fixed by the sheriff. Within three days after said election the sheriff shall issue a certificate of election to the officers elected. At said election there shall also be elected one magistrate for the corporation of said town of Friendship, who shall hold his office until the constitutional term of other magistrates of the county expire by limitation. He shall be commissioned by the governor of the state, and shall have concurrent jurisdiction with other magistrates in said county, and before entering upon the duties of his office shall take the oath and give bond, as is required of other magistrates of said county. His successor shall be elected by the qualified voters of said town at the same time and in the same election that other magistrates are elected, and in case of vacancy in his office death, resignation or otherwise, it shall be filled by qualified voters of said town, as in cases of any other vacancy of any magistrate's office in said county. The person holding any election for said office of magistrate shall certify his election to the governor of

Magistrate.

state, who will issue a commission to the person so elected. Notice of said election shall be given at least ten days before the date of same. If the sheriff should fail to hold said election at the time herein fixed, it shall be his duty to hold it as soon after as may be, after giving the requisite ten days' notice, and for willful failure to hold any election as prescribed by this act, he shall forfeit and pay to said corporation the sum of \$100.00, to be recovered by action of debt in the name of said corporation in any court having jurisdiction of the amount. If there be no sheriff, or, if for any reason, the sheriff should be incompetent, then the election shall be held by the coroner of said county, under the same rules, regulations and penalties as are herein prescribed for the sheriff.

Failure to hold election.

Sec. 7. Be it further enacted, That all the rules and regulations that are in force in the various state and county elections shall be enforced and control the elections held under this act. The qualifications for voters in said town elections shall be as follows: He shall be qualified to vote for state and county officers. He must have been a resident of the town for four months preceding the election, within the corporate limits of the town, or be a bona fide owner of real estate in the corporate limits of the assessed value of at least \$50.00, which he shall have owned at least four months, and which shall have been so assessed in the above value by the last preceding assessment for taxes.

Law governing election; electors.

Sec. 8. Be it further enacted, That the person receiving the highest number of votes for mayor, shall be declared elected to said office, and that the six persons receiving the highest number of votes for aldermen shall be declared elected; and it shall be the duty of the person holding the election to make out and deliver to the persons so elected to the various offices certificates of their respective elections, and also to certify to the mayor-elect the persons elected to the various offices within three days after the election; and the same shall be produced at the first meeting of the board of mayor and aldermen after the election, and the same shall be spread of record on the minutes of that meeting.

Majority vote elects; certificate.

Sec. 9. Be it further enacted, That in case there should be a tie in the election of mayor, aldermen, all or either, the judges and clerks of the election

Tie vote.

shall forthwith certify same to the officer holding the election, and said officer shall forthwith give notice of the same, and hold an election for the filling of the office or offices in which the tie exists, and he shall advertise the same for ten days; and said election shall be held as hereinbefore prescribed.

Vacancies.

Sec. 10. Be it further enacted, That in case of the death, resignation or removal of any officer elected by the board of mayor and aldermen, or by the people during his term of office, or a vacancy in any office for any cause, the board of mayor and aldermen shall fill such vacancy by electing a successor; said election by the board of mayor and aldermen shall be held by them as soon after the vacancy occurs as ten days' notice of the election can be given, before some regular or called meeting of the board of mayor and aldermen; and the person or persons so elected shall have the same privileges and perform the same duties, as the person whose duties they are appointed to fill, and upon like conditions, and shall fill out the unexpired term of office so made vacant.

**Mayor's term;
duties.**

Sec. 11. Be it further enacted, That the mayor shall hold his office for two years and until his successor is elected and qualified, and that no person shall be elected mayor who has not been, at the time of his election, a citizen of the State of Tennessee, and a bona fide resident and citizen of, and voter in the corporation for six months preceding such election.

It shall be the duty of the mayor to preside at all the meetings of the board of mayor and aldermen, to vote in all elections of officers of the town to be elected by the board, and give the casting vote on all other matters; to take care that all the town ordinances are duly enforced, respected and observed; to call special meetings of the board of mayor and aldermen when he may deem same expedient and proper; to see that all the property of the town is protected and preserved; together with the aldermen to take acknowledgment of and pass upon the sufficiency of and accept all bonds of officers; to fill all vacancies, except that of alderman, until the same can be filled by election by the board of mayor and aldermen, as herein provided; to try all cases for the violation of any and all ordinances of the corporation and keep a docket of the same, and a mayor's court is hereby established

**Mayor's court
established.**

vested with all the powers of a justice of the peace of Crockett county, and try all offenses against the peace and dignity and ordinances of the town; Provided, That in the absence of the mayor, or in the event he shall, for any reason, be incompetent, or prefer not to try a case, or prefers that the recorder try cases, the same powers and duties are hereby conferred upon the recorder; and in the event that both the mayor and recorder shall be absent or incompetent, then any justice of the peace of Crockett county, resident within the corporation, shall have power to sit and try corporation cases, his judgment showing that he sat in place of mayor or recorder. If a party accused makes oath that justice, in his opinion, will not be meted out to him, and his sworn statement and application is supported by at least four reputable and disinterested parties, adjudged reputable by the court trying the cause and residing within said corporation, a change of venue may be had from the mayor's court to a justice of the peace of said county, residing in said corporation to be designated by the court trying the cause, and said justice of the peace is hereby empowered and authorized to try and decide said case under the ordinances of the town. All appeals from corporation cases shall be to the circuit court at Alamo, Tennessee.

In the event an appeal is taken from any fine imposed by the mayor or recorder, or any justice of the peace residing within said corporation, sitting in place of said mayor or recorder as aforesaid, to the said circuit court, the persons so appealing shall give bond and security for the payment of the fine and costs and abide by and perform the judgment of the court on appeal, and shall in no case be entitled to an appeal from said fine and costs on the pauper's oath. Appeal bond.

Sec. 12. Be it further enacted, That in the absence of the mayor, for any reason, from a meeting of Mayor pro tem. board of mayor and aldermen, it shall be the duty of the board to elect a mayor pro tempore from their members, whose duty it shall be to preside at said meeting and discharge all the duties of the mayor, and all matters of the board transacted while he is so acting shall be as valid and binding as if the mayor were present in person.

13. Be it further enacted, That for any vio-

Offender
arrested; ap-
pointee refus-
ing to arrest.
fine.

lation of the town charter, by-laws or ordinances coming to the knowledge of the mayor, it shall be his duty to issue a warrant and order the arrest of the party or parties so offending, to be brought before him for trial; and in the absence of a town marshal he shall have the power to appoint any citizen of the town to act as special marshal in such cases; or the mayor may, for any violation of any of the by-laws or ordinances of the town committed in his presence, order any person or persons to arrest said violator of the law or ordinance, and bring such person before him for trial; and any person or persons appointed by the mayor to execute a warrant or order to arrest any offender for violation of any of the by-laws or ordinances committed in his presence, who shall refuse to execute said warrant or arrest said offender, said person or persons shall be guilty of an offense against the corporation, and finable under section thirteen of this act, for refusing to assist the town marshal.

Marshal, du-
ties of.

Sec. 14. Be it further enacted, That the duties of the town marshal shall be as follows: He shall thoroughly acquaint himself with the laws and ordinances of the town, and he shall rigidly enforce the same; and for this purpose police authority is hereby given, which he may exercise without warrant in hand. He shall collect all fines in favor of the town; he may execute distress warrants issued to him by the recorder for taxes; he shall report monthly the names of all persons exercising any privilege in the corporation; he shall perform such other duties as the board of mayor and aldermen may, by ordinance, impose upon him; he shall also superintend the working and repairing of the roads and streets in the corporation; and superintend the making, putting down, and repairing of sidewalks within the corporation, under the direction and instructions of the board of mayor and aldermen.

Marshal to ex-
ecute criminal
process; sum-
mon aid; re-
port collections

Sec. 15. Be it further enacted, That the marshal of the town of Friendship shall have power to execute all criminal processes and distress warrants issued to him by the mayor or recorder within corporate limits, or one mile beyond, that constables have and for that purpose he is hereby clothed with all powers of a constable as to civil and criminal

cesses; he shall have the power to execute all warrants issued by the mayor or recorder, or a justice of the peace residing within the corporation, and make arrests for all violation of town ordinances. He shall have the power to summon any person or persons to aid him in the execution of any process, or the arrest of any violator of the ordinances of the town, and such person or persons summoned and refusing to act shall forfeit and pay the sum of \$10 for any such refusal, to be recovered before the mayor for the use of the town; and on such fine being assessed by the mayor, it shall be recovered as fines assessed for violation of any town ordinance. The marshal shall also report to each regular meeting of the board all revenues and fines collected by him, and shall pay same over monthly.

Sec. 16. Be it further enacted, That the duties and powers of the recorder shall be as follows: He shall keep in a well-bound book an accurate account and minute of all the proceedings of the board of mayor and aldermen, issue all privilege licenses, and collect the taxes on the same; he shall collect all general and special taxes levied by the board of mayor and aldermen, and for that purpose, may issue distress warrants as state and county officers are allowed; and keep a proper ledger account of all taxes and revenues collected by him; he shall make out the tax book for the town, and in doing so, he shall use the assessments made for state and county taxes for the current year, and he shall make the same in accordance with the state laws regulating and governing the assessments of the state and county taxes; he shall pay over to the treasurer, every month, the revenues collected by him; he shall draw a warrant upon the treasurer for all moneys ordered to be paid by the board of mayor and aldermen, and keep full record of same; and he shall make to each regular meeting of the board of mayor and aldermen and to any special meeting of the board, when so ordered by the board, a full statement of the finances of the corporation, showing its true financial condition; and he shall do and perform such other duties as the board of mayor and aldermen may, by ordinance, impose upon him.

Recorder's duties.

c. 17. Be it further enacted, That the duties of

Treasurer's duties.

the treasurer shall be as follows: He shall receive from the marshal and recorder all funds and revenues whatever that come into their hands for the corporation, and receipt for the same, and shall keep a proper account of the same; and shall receive and take care of any other fund or revenue which shall be coming to the town from any other source, and for this purpose he shall keep such book or books as may be necessary, or as the board of mayor and aldermen may direct; he shall pay out said funds only upon the warrant of the recorder, countersigned by the mayor; he shall make quarterly a full and explicit account and statement of all finances under his control, showing the amounts he has collected or received, and the disbursements of same; and to each regular meeting of the board he shall make a report; and he shall also perform such other duties pertaining to the office as the board of mayor and aldermen may, by ordinance, direct.

Sec. 18. Be it further enacted, That the duties of the other officers, agents, and servants of the town shall be such as the board of mayor and aldermen may, by ordinance, prescribe.

Sec. 19. Be it further enacted, That the night policemen, or other public officers that shall be appointed by said board of mayor and aldermen, shall have the same right, power, and duties as to the execution of civil and criminal process, and as to arresting criminals and violators of the ordinances of the town, that constables have in this state.

Official bonds. Sec. 20. Be it further enacted, That before entering upon the discharge of their respective duties, the marshal, night policemen, recorder, and treasurer shall each enter into the bond, with good security, in the sum of \$500, conditioned upon the faithful discharge and proper performance of their respective duties; said officers shall also enter into bond, with good and sufficient sureties in double the supposed amount of money which may come into their hands respectively, conditioned upon the faithful and diligent collection and faithful accounting for all moneys that should or ought to come into their hands respectively, from fines, levies and assessment, forfeitures, and any other sources, and which ought

law, to be collected and paid over. The marshal shall be liable for wilful failure to collect any and all moneys which it is made his duty to collect under this charter. Said bonds shall be made payable to the mayor and aldermen of the town of Friendship, and their successors in office, for the use and benefit of said town; and said bonds shall be taken and approved by the board of mayor and aldermen at a regular meeting, or at a meeting called for the purpose, and shall be spread of record on the minutes of the board, and the bonds shall be filed with the mayor and carefully preserved by him. A copy of said bonds, certified to by the recorder or mayor, shall have the same force and effect as certified copies from courts of record in this state. No officer of the corporation shall become a bondsman for any other officer.

Sec. 21. Be it further enacted, That the mayor shall have and receive no salary, but shall have and receive such fees for the trial of all cases brought before him as are allowed justices of the peace of the State of Tennessee for the issuance of process and trial, docketing, etc., of criminal cases or civil cases tried before the mayor. The marshal shall have for arrest, executing distress warrants, etc., such fees as constables are entitled to receive for similar services, and such a salary as the board of mayor and aldermen may provide. The recorder shall have the same fees as county court clerks for issuing any privilege license and for issuing distress warrants, the same, and commissions of four per centum for ad valorem taxes collected by him, and he shall not receive any salary. The treasurer shall receive for his salary 1 per cent of all moneys which passes through his hands. No alderman shall receive any salary.

As to compensation of officers.

Sec. 22. Be it further enacted, That no money shall be paid out of the treasury except upon the order of the board of mayor and aldermen, and then it shall not be paid out except upon a warrant drawn by the recorder, countersigned by the mayor. No warrant or scrip shall be drawn or issued unless the money then be in the treasury sufficient to pay same. It shall be a misdemeanor in office to issue any warrant

Payment of warrant; limit as to contracts.

or scrip unless the money shall, at the time, be in the treasury sufficient to pay the same. That said board of mayor and aldermen shall never contract any debt or debts for any purpose greater than they can pay after paying current expenses out of the tax levies hereunder, within one year after the debt or debts are contracted, and that any contract or contracts for debt or debts, over and above said amount, shall be ultra vires and void, and that said corporation shall have no power to issue any bonds or other negotiable instruments for any purpose.

Ordinances
recorded; copy
as evidence.

Sec. 23. Be it further enacted, That all ordinances shall be signed by the mayor and recorder, and the same shall be spread upon the minutes of the board of mayor and aldermen, and shall be filed and preserved among the records of the town. They shall also be recorded in a book to be kept for the purpose; and a certified copy of an ordinance from the minutes or from the book kept for the purpose, shall be full evidence of the same in all trials in any of the courts of this state, the certificate to be made by the mayor under the seal of the corporation, if the corporation have a seal.

Collection of
taxes.

Sec. 24. Be it further enacted, That the board of mayor and aldermen shall have full power to enforce the collection of all taxes assessed upon personal and real property, polls, merchants, and privileges, and to this end the marshal and recorder of the town of Friendship shall have, and are hereby, clothed with all the power for the collection of taxes on personal and real property and polls and merchants and privileges that is, by law, conferred upon the collectors of the state and county taxes of the same character, respectively; and the recorder of said town is clothed with all the powers for the collection of privilege taxes in the corporation that are, or may hereafter be, by law, conferred upon the collectors of state and county taxes, with the same penalties prescribed by the state law. The recorder shall have the power to issue distress warrants, and the marshal have the power to execute the same for taxes, and also for fines due said corporation.

Delinquent
taxes.

Sec. 25. Be it further enacted, That the board of mayor and aldermen shall have full power to col

lect all delinquent taxes and privileges and polls that become due to the corporation, and, to this end, they shall have power to appoint such attorneys, officers and agents as they deem necessary or proper, who are hereby empowered to proceed to collect all such delinquent taxes in the same manner that delinquent state and county taxes are collected, or may be collected, when the taxes are assessed or the proceeding is had to collect the same; and the general statutes of Tennessee in force as to the mode of collection, penalties, etc., at the same time of the collection of said taxes, or at the time said taxes are assessed, shall be enforced, and shall apply to and inure to the benefit of the town of Friendship for the collection of its delinquent taxes; and that all taxes assessed by said town upon real estate in the corporation, shall be and constitute lien upon same, in the same way and to the same extent that state and county taxes are liens upon same; but the corporation taxes shall not have priority over the state and county taxes.

Sec. 26. Be it further enacted, That if the recorder, treasurer or marshal of said town shall fail to collect, or, after collecting, fail to pay over money by either of them received for the use of the town, such recorder, marshal, or treasurer, as the case may be, shall be liable to be proceeded against, together with his sureties, by motion or original suit, in the circuit or chancery courts of Crockett county, or any other court having jurisdiction of the person of said recorder, marshal, or treasurer, as the case may be, and of the amount involved; and it shall be the duty of such court to enter up judgment against such delinquent officer and his sureties for the money so received or collected in favor of and in the name of the mayor and aldermen of the town of Friendship, for the use of said town; Provided, That in case the action shall be commenced by motion, such officer shall have at least five days notice of the same.

Defaulting officer may be proceeded against.

Sec. 27. Be it further enacted, That said board of mayor and aldermen shall meet regularly once a month at such place in the town as they may decide upon, and at such special meetings as may be called by the mayor. Two-thirds of the members of said board of mayor and aldermen shall constitute a quo-

Meetings of board; quorum.

rum, and no meeting for the transaction of business shall be held unless such quorum be present, and no matter of business passed on by said board of mayor and aldermen shall be valid unless the minutes of the meeting at which such business was transacted show that a majority of the whole board voted in favor of it; but a smaller number may meet and adjourn from time to time.

Repeal of charter; election as to.

Sec. 28. Be it further enacted, That this charter may be repealed at any time by a majority vote of the legal voters in said town of Friendship entitled to vote and voting in an election held for that purpose under the rules and ordinances of the board of mayor and aldermen hereinbefore provided for; Provided, That such an election shall not be held oftener than every six months.

The mayor of said town shall order an election to be held for this purpose whenever petitioned so to do by twenty or more of the legal voters within said town. At least ten days notice of the holding of said election and the purposes of holding the same shall be given by written or printed notices, posted at two or more places in said town of Friendship. If a majority of the legal voters of said town vote for a repeal of said charter of incorporation, the mayor shall give a public notice of the same, and from that time the charter shall be repealed; Provided, That said charter and the officers of said town shall remain in force and authority to levy and collect taxes and do all things else necessary and proper under the authority of this charter to pay off the indebtedness of the town existing at the time of the repeal of the charter, but shall not remain in force for any other purpose.

When act takes effect; election as to.

Sec. 29. Be it further enacted, That this act take effect from and after it is ratified and adopted by two-thirds of the qualified voters resident within the boundaries of said town or owning real estate there as provided in this act, the public welfare requiring it.

For this purpose it shall be the duty of the sheriff of Crockett county to open and hold an election said town of Friendship whenever petitioned by majority of the qualified voters, within said town

at which election the qualified voters of the corporation proposed herein shall be permitted to vote for the adoption or rejection of the same; Provided, That only one election shall be held for that purpose. And if two-thirds of the voters entitled to vote in said election shall vote "For the Corporation," then this act shall, from the public announcement of the result of said election, be in full force and effect, otherwise it shall be of no force or validity. Those voting against said corporation shall vote "Against the Corporation." The sheriff shall give ten days' notice previous to the holding of said election, by written or printed notices, posted in at least three different places in said town. He shall include in said notice the names of three reputable voters in said town who shall act as judges, and two reputable voters of said town who shall act as clerks in said election; Provided, That if possible all of said judges and clerks shall not entertain the same views as to the adoption or rejection of this charter. The judges, clerks, and sheriffs shall certify the result of said election and publish the same by written or printed notices within the town of Friendship.

Passed April 7, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 12, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 241.

HOUSE BILL No. 736.

AN ACT to abolish the office of county judge of Meigs county, and provide for the chairman of the county court of said county to hold the county court of said county.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the office of county judge of Meigs county be, and same is hereby, abolished, and that the chairman of the county court of said county hold the county courts of said county, as provided under existing laws for counties having no county judge.

Sec. 2. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 7, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 12, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 242.

HOUSE BILL No. 749.

AN ACT to provide for keeping a register's office at Bristol, Tennessee, for the convenience of the citizens of the first, second, nineteenth, twenty-first, twenty-second, and seventeenth civil districts of Sullivan county.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That for the convenience of the citizens of the first, second, nineteenth, twenty-first, twenty-second, and seventeenth civil districts of Sullivan county, the register of said county is hereby authorized and directed to open and keep at Bristol, Tennessee, a register's office, in which shall hereafter be registered all conveyances of property located in said civil districts, and all deeds of trust, mortgages, charters, liens, memorandums of judgments and other instruments arising in said civil districts, or pertaining to property located therein, now or hereafter required by law to be recorded.

Sec. 2. Be it further enacted, That all of said instruments recorded at Bristol, Tennessee, shall be governed by the same laws, and have the same force and effect, as they now have, when recorded at the register's office at Blountville, Tennessee.

Sec. 3. Be it further enacted, That the register of said county for services in said office at Bristol, by himself or by a deputy register, shall receive the same fees now allowed registers by law.

Sec. 4. Be it further enacted, That any of the records in the register's office at Blountville pertaining to property in said civil districts may be transcribed by the register upon the books at the Bristol office, if any person or corporation pays the cost of same, and when so transcribed shall have the same effect as they have where now recorded, and copies from said transcribed records may be used as evi-

dence in the same manner as copies from the original records.

Sec. 5. Be it further enacted, That the register of said county shall not be required to hold and keep said office at Bristol unless the board of mayor and aldermen of the city of Bristol shall furnish an office for same.

Sec. 6. Be it further enacted, That all laws in conflict with the provisions of this act be, and the same are hereby, repealed.

Sec. 7. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 7, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 12, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 243.

HOUSE BILL No. 783.

AN ACT to provide attorney's liens.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That attorneys of record who begin a suit in a court of record in this state shall have a lien upon the plaintiff's right of action from the date of the filing of the suit.

Sec. 2. Be it further enacted, That any attorney who is employed to prosecute a suit that has already been brought in any court of record in this state shall have a lien upon the plaintiff's right of action from the date of his employment in the case; Provided, The record of the case will first be made to show such employment by notice upon the rule docket of such court, or a written memorandum filed with the paper

in the case, or by notice served upon the defendant in the case.

Sec. 3. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 12, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 13, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 244.

HOUSE BILL No. 832.

AN ACT to create a civil district in Warren county, Tennessee, to be known as the 16th civil district of said county, and to provide for the election of officers for said district, and to fix the voting precinct in said district.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the following bounded section shall compose the 16th civil district of Warren county, Tennessee, beginning at Mountain creek at E. P. Wilson's east boundary line, running northward so as to include all the lands of said Wilson, James Webb, John Turner, Hetch Wright, Thomas Davis Place, George Davis, Watson Cantrell and Rev. John L. Byars, to the DeKalb county line; thence with the said line to the line of the 12th district of Warren county; thence southward with 12th district to the Woodbury and Sparta road; thence with road to F. M. Phelps' east line; thence with said to Mountain creek; thence southward, so as to include the lands of William Jones, Terry, Wilker-Joe Burks, William Sanders, Samuel and Hemp
thence eastward, so as to include the lands of

Tillman Foster; thence from Foster's place with Wilson's line to the beginning.

Sec. 2. Be it further enacted, That the election commissioners of Warren county shall, within thirty days after the passage of this act, open and hold an election in said district for the purpose of electing two justices of the peace, and one constable, for said district, who shall hold their offices until the next general election for such offices, respectively.

Sec. 3. Be it further enacted, That Dibrell shall be the voting precinct in said district.

Sec. 4. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 7, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 12, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 245.

HOUSE BILL No. 852.

AN ACT to amend chapter 178 of the Acts of 1879, entitled "An act to change the line between the counties of Coffee and Franklin," so as to change and more definitely fix the line between the counties of Coffee and Franklin.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That section 1 of the Act of 1879, entitled "An act to change the line between the counties of Coffee and Franklin," be amended by striking out all the words in said section 1 after the word "to wit," and inserting the following words in lieu thereof: Beginning at a stone, with pointer in the west boundary line of a 1200 acre tract granted in name of R. Sharp (now owned by Kirkpatrick, &

leaving Kirkpatrick in Franklin county), just north of the three water holes (about 15 poles); thence south with the line of said grant 311 poles to the Lanier line; thence west with said line 23 poles; thence north 50 poles; thence west 216 poles to the east boundary line of the Joab Short 500 acre grant; thence north with the east boundary line of said grant (about 120 poles) to the southerly boundary line of the old 695 acre Kocsis survey; thence with the southerly boundary of said Kocsis' survey (about 500 poles) to the right of way of the Nashville, Chattanooga & St. Louis Railway at a point (about 52 poles) south of the Anderson (now Dundas) tract; thence across said railroad; thence to the southeast corner of the Travis lands; thence running with the Travis east, north and west lines (leaving Travis in Franklin county) and on to the southeast corner of the Martin lands; thence with Martin's south boundary line and on to the southeast corner of the David Hart lands (now M. Wilson); thence with the south boundary of the Hart lands to the road; thence with the road to Hasting's southeast corner (about 85 poles); thence to the southeast corner of the Crane Oak View tract and the old Thomas line to the Moore county line; thence with the Moore county line and Bedford county line to the line of Coffee county; Provided, That so much of the Hasting, Crane and Thomas tracts as are assessed in Franklin shall pay taxes to the trustee of Franklin county for the year 1899.

, Sec. 2. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 7, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 13, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 246.

HOUSE BILL No. 914.

AN ACT to repeal the charter of the town of Moscow, in Fayette county, Tennessee, and to repeal sections 32, 33, 34, 35 and 36, of chapter 213 of the acts of the thirty-third general assembly of the State of Tennessee, passed March 23, 1860.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That sections 32, 33, 34, 35 and 36, of chapter 213 of the acts of the thirty-third general assembly of the State of Tennessee, passed March 23, 1860, be, and the same is hereby repealed.

Sec. 2. Be it further enacted, That the charter of the town of Moscow, in the county of Fayette, and State of Tennessee, be, and the same is hereby, abolished.

Sec. 3. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 13, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 17, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 247.

SENATE BILL No. 330.

AN ACT to authorize the board of mayor and aldermen of the city of Bristol to donate to the United States of America a central lot upon which to erect its public building, in said city, and ratify such donation already made, and cede such land, with all appurtenances thereunto belonging to the United States of America, so long as the same shall be owned, used or occupied by or for the United States of America, but reserving to the state jurisdiction to serve all civil or criminal process thereon, issued under authority of the State of Tennessee.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the board of mayor and aldermen of the city of Bristol is hereby authorized and empowered to donate to the United States of America, the lot now owned by said city, situated therein on the south side of Shelby street, and known as the Market-house lot, upon which to erect a public building for use as a custom house, postoffice and United States commissioner's office, and for such other public uses as the United States of America may desire; and the act and deed of said city already done and executed, donating said lot as aforesaid, are hereby ratified and confirmed as fully as if done and executed pursuant to authority hereby conferred.

Sec. 2. Be it further enacted, That the State of Tennessee does hereby cede said lot of land, with all appurtenances thereunto belonging to the United States of America, which shall have and exercise exclusive jurisdiction over it, so long as the same may be used, owned or occupied by or for the United States of America; Provided, however, That when the same shall cease to be owned, used or occupied by the United States of America, the jurisdiction over said lot shall revert to the State of Tennessee; And

provided, That jurisdiction over said property for the purpose of serving all civil or criminal process, issued under authority of the state, is hereby reserved to the State of Tennessee.

Sec. 3. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 15, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved April 17, 1899. .

BENTON McMILLIN,
Governor.

CHAPTER 248.

SENATE BILL No. 290.

AN ACT to refund to the city of Memphis certain commissions paid by it, and to provide that hereafter no commissions shall be charged for the collection of its taxes.

Whereas, Under the operation of the Act of 1897, chapter 1, section 50, a large amount of commissions for the collection of the taxes of the city of Memphis has been and will be paid to the county of Shelby, for which it gets no adequate compensation; therefore,

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That all commissions, which have been paid or turned over to the county of Shelby, for the collection of the taxes of the city of Memphis, since January 1, 1899, shall be refunded by the county to the city of Memphis, and hereafter no commissions for the collection of the taxes of the city of Memphis shall be paid to the county of Shelby or collected out of its current taxes by the county trustee.

Sec. 2. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 7, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved April 17, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 249.

SENATE BILL No. 473.

AN ACT to incorporate the town of Walling, White county, Tennessee, and to provide for the government and control of the same, and to provide for an election of officers for said town; to provide when this act shall go into effect.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the town of Walling, in the county of White, and the inhabitants thereof, be, and are hereby, constituted a body politic and corporate, under and by the style and name of the mayor and aldermen of the town of Walling, and shall have perpetual succession by their corporation name, may sue, be sued, plead and be impleaded, grant, receive, purchase and hold real, mixed and personal property, or dispose of the same for the benefit of said town; may have and use a seal.

Name and
style;
may acquire
property.

Sec. 2. Be it further enacted, That the corporation aforesaid shall have full power and authority to act and pass such laws and by-laws, prevent and remove nuisances; to provide for licensing and regulation of office, auctions, taxing, regulating or restraining theatrical or other public amusements, and to regulate and prohibit gambling; to regulate the sale of liquors; to ascertain, when necessary, the

Powers.

boundary and location of streets, lanes and alleys; to pave and keep in repair the streets and alleys, pass all necessary laws for the same; to enact all necessary laws for the regulation of personal privileges; to improve and appropriate fines, penalties and forfeitures for a breach of the by-laws or ordinances; to appoint or elect a recorder, treasurer and all other officers or committees necessary to carry on the business of the corporation; to levy and collect taxes for the purpose of carrying the necessary measures into operation for the benefit of said town, and to pass all laws and ordinances necessary and proper to carry the intent and meaning of this act into effect, and to have all power given a municipal corporation by the laws of the same.

ARTICLE 2.—BOUNDARIES.

The corporation limits of the corporation of the town of Walling shall be as follows: Beginning at two small sycamores with two sycamore and mulberry pointers on the north bank of the Caney Fork river, about one-half mile above Walling; running thence north 45 degrees east 55 1-3 poles to a stake at a red bank with cedar pointers; thence north one degree west 50 poles to a post oak on the north side of the Sparta & Rock Island road; thence north 9 degrees west, crossing the railroad at 40 poles, in all 160 poles, to a stake with red oak and sassafras pointers; thence north 84 degrees west 63 poles to a red oak at the mouth of a lane and at the east side of the old Kentucky road; thence south 9 degrees west 25 poles with said road to a stake; thence south 28 degrees west 24 poles with same to a stake; thence south 4 degrees east 8 poles with said road to a stake; thence south 28 degrees west leaving said road and crossing the railroad at 130 poles, in all 156 poles, to a large apple tree in a bottom west of Walling; thence south 65 degrees east 55 poles to the river; thence up said river the beginning.

ARTICLE 3.—ELECTION.

Section 1. Be it further enacted, That on first Tuesday in June, 1899, an election for a m^o

and board of four aldermen, under this act, shall be held by the sheriff of White county. All elections thereafter shall be held by the town marshal of said corporation, aided by two clerks and three judges on the first Tuesday in June every two years, after giving ten days' notice. The officers thus chosen shall go into office on the first meeting after the election, to hold office for two years, or until their successors are elected and qualified. Said election shall conform in all respects to the laws of the state in the election of state and county officers. Term of office.

Sec. 2. Be it further enacted, That the persons receiving the highest number of votes for such mayor and aldermen shall be taken as duly elected, and the sheriff, or his deputy or marshal holding the election as aforesaid, shall, within three days thereafter, give to each of the four aldermen and the mayor and other officers a certificate of their election, and it shall be the duty of the persons so elected to meet on the next day, or as soon thereafter as practicable, after their election is certified, and after having been qualified, the mayor and aldermen, three of whom shall constitute a quorum, shall proceed to elect a recorder for said corporation, who shall be a citizen of said town, but not an alderman for the same time for which the mayor and aldermen were elected, and the person appointed or elected by them shall serve two years, or until his successor is elected and qualified. At the election for mayor and aldermen for said corporation all legal voters residing in the limits of said corporation, and none other, shall be entitled to vote. Majority vote; quorum of board. Recorder elected.

ARTICLE 4.—DUTIES OF MAYOR AND ALDERMEN.

Section 1. Be it further enacted, That the mayor and aldermen of said town shall, before entering upon the duties of their office, take an oath before some justice of the peace of White county, to honestly and faithfully demean themselves as mayor and aldermen of said corporation during their continuance in office. Oath.

Sec. 2. Be it further enacted, That it shall be the duty of the board of mayor and aldermen, as soon as Board to appoint certain officers.

ter their organization as practicable, to elect or appoint a recorder, treasurer and such other officers and committees as they shall deem proper for the purpose of carrying on the business of said corporation, whose duties will be hereinafter defined.

Workhouse.

Sec. 3. Be it further enacted, That the board of mayor and aldermen of said corporation shall have full power and authority to erect a workhouse and calaboose, for the safe keeping of persons convicted of the violation of any ordinance or by-laws of said corporation, who fail or refuse to pay, or secure to be paid, the fine and costs accruing thereon. The mayor and aldermen may provide by ordinance for their confinement in said workhouse, or calaboose, and put them to work for the town within an inclosure or on the streets, or other public works, under proper guard, or secure by ball and chain, at such wages as the board may adopt by ordinance, until said fine and costs are paid.

Marshal and police.

Sec. 4. Be it further enacted, That the board of mayor and aldermen shall have full power and authority to appoint a marshal and as many policemen as in their judgment they may deem necessary, at any time, to preserve the peace and quiet of the town, or to enforce the ordinances of said corporation; to fix their terms of office and regulate the salary of the same; said police so appointed shall have power to execute all process that the town marshal or constable is authorized to execute. Said board of mayor and aldermen to have power and authority to appoint all other officers and agents for the corporation, that they may deem necessary, and to provide for their compensation.

Board may dismiss officers.

Sec. 5. Be it further enacted, That the board of mayor and aldermen shall have full power to dismiss or remove any officer or agent appointed or elected by them, including the recorder or marshal, for incompetency or violation, neglect or disregard of the duties imposed upon them by the laws and ordinances of the said corporation: Provided, That two-thirds of the board of mayor and aldermen concur in this dismissal or removal.

Streets, etc.

Sec. 6. Be it further enacted, That the board of mayor and aldermen of the town of Walling, shall have full power and authority to lay off and open new

streets, lanes and alleys in said town, and extend the old ones for the convenience of the inhabitants thereof, as provided by the statutes of Tennessee.

Sec. 7. Be it further enacted, That the mayor and aldermen of the town of Walling shall have power and authority, by ordinance, within the town to provide for the arrest and confinement until trial of all violators and disorderly persons within the town, by day or night, and to authorize the arrest and detention of all suspicious persons violating any ordinance of the town or in violation of any of the laws of Tennessee.

Provide for arrest, etc.

ARTICLE 5.

Section 1. Be it further enacted, That the marshal so elected shall continue in office for two years, from the time of his election, and before entering upon the duties of his office give bond, with sufficient sureties in the sum of five hundred (\$500.00) dollars, to be approved by the mayor and aldermen, for the faithful performance of his duties of office and accounting for all moneys by him collected. And it shall be the duty of both the marshal and recorder to make a written report, under oath, to the mayor and aldermen at the end of each three months, and show what amount of money has been paid them, by whom paid, and on what account paid, and how much has been expended and to whom, which report shall be spread on the record.

Marshal's term; bond.

Marshal and recorder to make quarterly report.

ARTICLE 6.

Section 1. Be it further enacted, That it shall be the duty of the recorder to make out and certify to the marshal, on or before the first Monday in March each year, a complete list of persons who have failed to pay any taxes due said corporation, showing the amount of taxes due from each person. And said certified tax list in the hands of the constable shall have the same force and effect as an execution from a court record, based on a valid judgment of the same, on personal property to be found in White county

Delinquent tax list.

belonging to the person owing said taxes; and said marshal is authorized to advertise and sell the same as in execution sales at law.

Recorder to receive tax; issue license; keep minutes; recorder pro tem.; pay money to treasurer.

Sec. 2. Be it further enacted, That in addition to the other powers and duties imposed on the recorder of said corporation, he shall have the power to receive and receipt for all taxes due said corporation until the first day of March of each and every year, and to receive and receipt for all privilege taxes and issue license; but in no case shall license issue to any person until the money is paid for the same; to be present at all the meetings of the board of mayor and aldermen, and to keep a full and accurate account of all business transacted by said board, and shall record and preserve the same in a book provided for that purpose, which shall be read at the next succeeding meeting and approved by the board and signed by the recorder, and countersigned by the mayor, and in case of the absence of the recorder the board shall have the power to elect some one of the board to act in his stead, and such person so elected shall, during the absence of the recorder, perform all of the duties imposed upon the recorder. The recorder shall turn over all moneys collected by him belonging to said corporation to the treasurer, at least once every thirty days, and take his receipt for the same.

Sec. 3. Be it further enacted, That if for any cause the recorder shall fail or neglect to hold an election for the aforesaid officers, on each and every two years, he may at any time thereafter open and hold an election for said officers, upon giving ten day's notice of said election, for the balance of the unexpired term.

Recorder's jurisdiction; fees.

Sec. 4. Be it further enacted, That the recorder of said corporation shall be vested with the full power and authority to try all offenses for the violation of the ordinances and by-laws of said corporation, and said recorder of the town of Walling be, and hereby vested with concurrent jurisdiction with justices the peace, and in all cases of violation of criminal laws of the state and the ordinances or by-laws of board of mayor and aldermen of the town of Wall within the corporate limits of said town, and be entitled to the same fees now allowed to the justices the peace for like services.

Sec. 5. Be it further enacted, That before entering upon their respective duties the recorder so ^{Recorder's bond.} elected or appointed by the board of mayor and aldermen shall give bond, with sufficient security, to said mayor and aldermen in the sum of one thousand (\$1,000.00) dollars, conditioned that he shall faithfully and honestly discharge all of his duties and account for all moneys that may come into his hands by virtue of his office.

Sec. 6. Be it further enacted, That it shall be the duty of the recorder of said corporation to keep a ^{Recorder to keep cash account.} cash book, in which he shall enter all cash by him received, showing the date, amount, and from whom received, and on what account. He shall enter in said book all amounts by him paid, and to whom paid, and on what account, and this book shall be opened for inspection by the mayor and aldermen for said town at any time called for; but no one shall be allowed to take the books from the recorder's office, except by the order of the board of mayor and aldermen, and when the recorder's time expires, or when from any cause he ceases to be recorder, this book shall be turned over to his successor in office.

Sec. 7. Be it further enacted, That no money belonging to said corporation shall be paid out except ^{How money paid out.} on order of the recorder, countersigned by the mayor; the same to be drawn by order of the board of aldermen. And at the expiration of his term of office, the recorder shall deliver to his successor all books and papers belonging to the corporation and take his receipt for the same, and make a final settlement with the board of mayor and aldermen, and pay to his successor all the money in his hands belonging to said corporation.

ARTICLE 7.—TREASURER.

Section 1. Be it further enacted, That it shall be the duty of the treasurer when elected or appointed, ^{Bond; quarterly reports.} before entering upon his duties, to give bond in the sum of one thousand five hundred (\$1,500.00) dollars for the faithful discharge of his duty, and for the safe keeping and paying out all moneys coming into

his hands, same to be paid by order of the board, countersigned by the mayor, said bond to be approved by the mayor, and he shall make written reports quarterly, which shall be sworn to by him, of all receipts and disbursements, and the board shall have access to his books at any and all times for inspection.

ARTICLE 8.—TAXES.

Assessment;
tax book.

Section 1. Be it further enacted, That the assessment of the property for taxes for corporation purposes shall be based on the assessment made by White county as to the values, and the recorder shall make out the tax books from the county or district assessors' books, under the direction of the board, and when the same is turned over to him for collection, which shall be the first of November of each year, he shall be charged with the gross amount; the treasurer's receipts and his delinquent list shall be his vouchers for same, and for which he shall receive credit.

As to sale of
land for taxes.

Sec. 2. Be it further enacted, That when any tax shall be imposed upon any real estate lying within the bounds of said corporation, and said tax is not paid by the 15th of April next succeeding the time of the delivery of the tax book to the recorder for collection, and no personal property of the owner of said lot or real estate can be found within the bounds of said corporation upon which the same could be levied, then it shall be the duty of the recorder to certify the same to the first term thereafter of the circuit court for White county, giving a full description of said property in each case so certified. It shall be the duty of said circuit court to which said list is certified to enter judgment for the amount of taxes due said corporation and cost thereon, and direct that an order of sale issue to the sheriff of said county of White, who shall sell said real estate for the satisfaction of said taxes, and in making said sale the sheriff shall be governed by the same laws and regulations which now govern sheriffs in selling land condemned by the circuit court, and sales made under writs of venditioni exponas, which tax, when collected by the sheriff, shall be paid by him to the recorder of said

town for the use of said corporation; and the purchaser at said sale shall acquire the legal title to said land, subject, however, to the right of redemption for two years from the date of sale, in favor of the party whose land is sold.

ARTICLE 9.

Section 1. Be it further enacted, That the mayor, before entering upon the duties of his office, take an ^{Mayor's duties} oath of office, and it shall be his duty to preside at all meetings of the board or council, to see that all the ordinances and by-laws of the corporation are enforced; to call special meetings of the board when deemed by him necessary; to give orders upon the recorder for the payment of any money that may be due from the corporation, after the same has been allowed by said board. In case a tie vote on questions before said board of aldermen, he shall vote, but not otherwise; he shall within three months from his induction into office, give in writing to the board a general statement of the town, in relation to its government, finances, sanitary condition, and from time to time suggest such improvement as he deems proper; he shall at all times have access to the books and records in the office of the recorder; when he desires to speak on any question before the board he shall call one of the aldermen to the chair, who shall preside until the mayor shall have concluded his remarks; in case of the absence of the mayor the aldermen shall elect one of their number to preside during his absence, and the person so elected shall have, while presiding, all the powers and perform all of the duties of the mayor.

ARTICLE 10.—COMPENSATION.

Section 1. Be it enacted, That the recorder, mayor and aldermen, shall receive such salary as the board of aldermen may allow, not to exceed two dollars per month for the aldermen, and not to be increased or decreased during their respective terms of office. The marshal shall receive a stated salary per

month, to be fixed and ordered paid by the board, and in addition shall receive such fees for arrests, and guarding prisoners, etc., as the sheriff or constable is allowed by law for such service; Provided, however, That the corporation shall not be liable to the marshal, or constable, or recorder, for any costs in criminal cases where same is not collected off the parties in arrest, or any other cases. The recorder in addition to the salary paid by the corporation, shall receive the ordinary fees and cost allowed by law to justices of the peace in all cases of like service; Provided, That same shall not be collected off of corporation, as above stated.

ARTICLE 11.—MISCELLANEOUS.

Attorney.

Section 1. Be it further enacted, That the board of mayor and aldermen shall have the right to elect some one learned in the law to act as attorney for the corporation, and to fix the salary for such officer.

In recorder's
absence jus-
tice to hold
court.

Sec. 2. Be it further enacted, That at any time when the recorder is sick or absent, it shall be the duty of any justice of the peace for White county, on application of the marshal or mayor of said corporation, to issue warrants for the arrest, and try any person or persons who have been guilty of any violation of any of the by-laws or ordinances of said corporation, and said justice of the peace in so doing shall have the powers as the recorder under like circumstances.

Marshal in
charge work
hands.

Sec. 3. Be it further enacted, That the marshal elected or appointed by the board of mayor and aldermen shall have charge of the work hands of the streets, keep their time and see that they do good work.

Town appeal
bond.

Sec. 4. Be it further enacted, That the town of Walling, in taking an appeal from a judgment or decree in any proceeding, shall give bond as required by law. All such bonds shall be executed by the mayor and attested by the recorder, under the seal of the corporation, and shall be taken in all courts as a full compliance with the laws in such cases.

Sec. 5. This act is hereby declared a public act, and may be read in all the courts of law and equity ^{Public act.} in this state, without proof.

Sec. 6. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 12, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved April 17, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 250.

SENATE BILL No. 517.

AN ACT to enable the voters of the town of Gadsden, in Crockett county, Tennessee, by a majority vote, to repeal the charter of the town of Gadsden, in Crockett county, Tennessee.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the legal voters residing within the corporate limits of the town of Gadsden are hereby empowered to abolish the charter of the town of Gadsden, in Crockett county, by a majority vote cast in an election held for that purpose.

Sec. 2. Be it further enacted, That, for this purpose, the officer or officers empowered to open and hold elections in said county of Crockett are hereby directed whenever petitioned so to do by one-third of the legal voters residing within the corporate limits of the town of Gadsden, to open and hold an election in said town of Gadsden, after giving legal notice of the purpose, time and place of holding the same, to determine the will of the majority of the voters. If, in said election, a majority of all the legal voters residing within the corporate limits of the town of Gadsden vote for

repeal, then said charter shall be repealed from and after the publication of the result of said election by the officers empowered to count the vote and open and hold said election, which publication shall be made not longer than 48 hours after the polls are closed. Those voting against the abolition of the charter of said town shall vote "against repeal." Said election shall be held and conducted under all the legal rules and regulations and penalties of holding any general election within said county. But only one election shall be held under this act, which election shall not be held later than four months after the passage of this act.

Sec. 3. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 14, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved April 17, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 251.

SENATE BILL No. 182.

AN ACT to enlarge and extend the provisions of an act, approved January 24, 1895, entitled "An act to cede to the United States the jurisdiction of this state over certain lands in Hamilton county, in this state."

Whereas, the general assembly of this state pass an act approved January 24, 1895, and mentioned the caption of this act, which, in part, reads as follow

"Whereas, by an act of the general assembly of State of Tennessee, approved January 30, 1891, jurisdiction of the State of Tennessee was ceded to

United States of America over roads described and referred to in the preamble of said act, which lie within the territorial limits of the State of Tennessee, for the purpose of a national park; And whereas, the United States of America has acquired, by gift or purchase, additional land lying along both sides of said roads for the purpose of widening the same; And whereas, under authority of congress, the secretary of war, in the establishment of the Chickamauga and Chattanooga National Park, has purchased as parts of said park Orchard Knob, a tract of seven acres in the outskirts of the city of Chattanooga, Tennessee, a tract of three acres more or less on Missionary Ridge, known as Bragg's headquarters; a tract of five acres on Missionary Ridge, known as the De Long place, and has entered into an agreement for the purchase of the extreme north point of Missionary Ridge, all situated in the county of Hamilton, State of Tennessee.

"Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the jurisdiction of this state is hereby ceded to the United States of America, over all such tracts of land as have been acquired by the United States for the purpose named, and over such similar tracts of land as may be acquired in said Hamilton county for park purposes, whenever the title thereto shall have been acquired by the United States;

"Provided, That this cession is upon the express condition that the State of Tennessee shall so far retain a concurrent jurisdiction with the United States over said lands and roads as that all civil and criminal process issued under the authority of the state may be executed thereon in like manner as if this act had not been passed;

"Provided further, That nothing herein contained shall interfere with the jurisdiction of the United States over any matters or subjects set out in the act of congress establishing said national park, approved August nineteenth, eighteen hundred and ninety, or with any laws, rules or regulations that congress may hereafter adopt for the preservation and protection of its property and rights on said lands and roads and the proper maintenance thereof;" and,

Whereas, the United States have acquired and now own an additional tract of land Mountain, in Hamilton county, in this State as the Point Park, to be held as, and to be a part of said national park; now, therefore

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That said act of January 24, 1895, be, and the same is intended and applied to said Point Park, and the jurisdiction of this state hereby ceded to the United States over said Point Park to the same extent and under the same conditions in all respects as the cession of jurisdiction in said act of January 24, 1895.

Sec. 2. Be it further enacted, That in order to provide for the preservation of the public peace, and public health upon and immediately adjacent to said Point Park, the United States may, for a space of one-fourth (1-4) of a mile beyond the limits of said Point Park, enforce through their agents the criminal laws of the state now in force and effect, and jurisdiction for this purpose shall be concurrent with the jurisdiction of the state courts, which is expressly reserved and not impaired by anything herein, and the jurisdiction of the state over said space of one-fourth of a mile is not to be affected hereby.

Sec. 3. Be it further enacted That the act shall take effect from and after its passage, the public peace requiring it.

Passed April 15, 1899.

SEID WADDI
Speaker of the House of Representatives

JOSEPH W. BYRNE
Speaker of the House of Representatives

Approved April 17, 1899.

BENTON McMILLIN
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CHAPTER 252.

SENATE BILL No. 607.

AN ACT to create and establish eight (8) civil districts in the county of Hardin, in lieu of the seventeen (17) districts as therein now existing, and to define the boundaries of the same.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That there be, and are hereby, created and established for and within the county of Hardin, in this state, and in lieu of the seventeen (17) districts therein, as now laid out, eight (8) civil districts only.

Sec. 2. Be it further enacted, That the boundaries of said civil districts shall be as follows:

1. The territory embraced in the first and second civil districts, as now laid out, shall compose the first civil district of said county.

2. The territory composing the third and fourteenth civil districts, as now laid out, shall compose the second civil district of said county.

3. The territory embraced in the fifth and seventh civil districts, as now laid out, shall compose the third civil district of said county.

4. The territory now embraced in the fourth civil district, as now laid out, shall remain unchanged, and compose the fourth civil district of said county.

5. The territory embraced in the sixth, eighth and seventeenth civil districts, as now laid out, shall compose the fifth civil district of said county.

6. The territory now composing the ninth and tenth civil districts, shall compose the sixth civil district of said county.

7. The territory now embraced in the eleventh, twelfth and sixteenth civil districts, shall compose the seventh civil district of said county.

8. The territory now embraced in the Twelfth and thirteenth civil districts, shall compose the eighth civil district of said county.

Sec. 3. Be it further enacted, That said districts to so remain until changed by the acts of the general assembly of the State of Tennessee.

Sec. 4. Be it further enacted, That all laws or parts of laws in conflict with this act are hereby repealed.

Sec. 5. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it;

Provided, That this act shall in no way interfere with the right and tenure of office of the present acting justices of the peace of said county.

Passed April 14, 1899:

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved April 17, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 253.

SENATE BILL No. 546.

AN ACT to amend chapter 315 of the Acts of 1897, providing for the incorporation of the town of Kingston, in Roane county, and to establish and maintain a separate school district in said town.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That section 9 of chapter 315 of the Acts of 1897, providing for the incorporation of the town of Kingston, in Roane county Tennessee, be amended by adding the following to said section 5: To become a stockholder in any railroad incorporated under the laws of this state in the manner now provided by law to the amount of twenty five thousand dollars.

Sec. 2. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 14, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved April 17, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 254.

SENATE BILL No. 562.

AN ACT to amend section 24 of an act entitled "An act to reduce the acts incorporating the city of Knoxville, and the various amendments thereto, to one act, and to amend the same," passed June 10, 1885, being chapter 8 of the extraordinary session of the forty-fourth general assembly, so as to authorize and empower the mayor and aldermen of the city of Knoxville to levy and collect a special school tax, upon certain conditions.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That section 24 of chapter 8 of the extraordinary session of the forty-fourth general assembly, passed June 10, 1885, entitled "An act to reduce the acts incorporating the city of Knoxville, and the various amendments thereto to one act, and to amend the same," be, and the same hereby is, so amended that it shall be lawful for the mayor and aldermen of the city of Knoxville, to levy and collect, in addition to the maximum tax of one dollar and twenty-five cents on each one hundred dollars of the assessed value of the taxable property within its limits authorized by said section 24, of said chapter 8, a special tax of ten cents on each one hundred dollars

of the assessed value of the taxable property within its limits for public school purposes.

Sec. 2. Be it further enacted, That said special school tax, when levied and collected by the mayor and aldermen of the city of Knoxville, shall be used and expended in the support of the public schools of said municipality, and the same shall not be diverted or used for any other purpose whatever.

Sec. 3. Be it further enacted, That the assessment and collection of said special tax for public school purposes in any year shall be optional with the mayor and aldermen of the city of Knoxville; Provided, That if the same shall be levied and collected in any year, the mayor and aldermen of said municipality shall not have power or authority to appropriate for public school purposes any part of the public moneys received from a levy of taxes under the provisions of said section 24 of chapter 8 of the extraordinary session of the forty-fourth general assembly for the same year.

Sec. 4. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 15, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved April 17, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 255.

SENATE BILL No. 472.

AN ACT for the protection of game in Shelby county.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That hereafter it shall be unlawful for any person or persons to kill, net, trap or capture quail or partridges for pleasure or profit, on his own land or elsewhere in Shelby county, Tennessee, at any season of the year, other than from the first day of November to February 1st of each and every year within the time limited; Provided, That it shall be unlawful for any person or persons to net or trap quail or partridges at any season of the year.

Sec. 2. Be it further enacted, That it shall be unlawful for any person or persons in Shelby county, Tennessee, to sell or have in his or their possession for sale, any quail or partridge from November 1 to February 1, of each and every year.

Sec. 3. Be it further enacted, That grand juries shall have inquisitorial power of all violations of this act, and the same shall be given in charge by the judge of the criminal court of Shelby county, Tennessee.

Sec. 4. Be it further enacted, That any person or persons violating this act, or any of its provisions, when convicted shall be fined for each offense, not less than five dollars, nor more than twenty-five dollars, half of said fines, when collected, to be paid to the officer making the arrest, and the other half to be paid to the county trustee, for the benefit of the public school fund of Shelby county, Tennessee.

Sec. 5. Be it further enacted, That all laws or parts of laws in conflict with this act are hereby repealed.

Sec. 6. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 14, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved April 17, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 256.

SENATE BILL No. 616.

AN ACT to change the county line between the counties of Knox and Sevier.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the county line between the counties of Knox and Sevier be, and the same is hereby, so changed as to include in the county of Knox all the land in the fourteenth district of Sevier county, which belongs to H. C. Blair and wife, J. G. Cannon, E. W. Houseley, J. N. McMillin, Rufus Kelly, Lula J. Walker, S. G. Randles, and J. W. Creswell, and the county line is so changed as to run with French Broad river from the point where the Knox county line comes to said river, near the house of Alex. Ferguson, a southwest course to a point where the line of said county again comes to said river, near the butt of Bois mountain.

But this act shall in no way effect the right of Sevier county to collect all taxes due on said land, prior to and including the taxes of 1899.

Sec. 2. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 14, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved April 17, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 257.

SENATE BILL No. 318.

AN ACT to amend an act passed March 10, 1897, entitled "An act to authorize the city of Memphis to reduce assessments in certain cases," and being chapter 274 of the Acts of 1897, so as to authorize reduction of assessments on property destroyed prior to January 15th.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That chapter 274 of the Acts of 1897 be, and the same is hereby, so amended as to authorize the reduction of assessments as provided for therein, on property which has been or may hereafter be destroyed prior to January 15th of any year.

Sec. 2. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 14, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved April 17, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 258.

HOUSE BILL No. 767.

AN ACT to authorize the trustees of Bolivar Academy, in Monroe county, Tennessee, to sell a part of the ground surrounding the academy building.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the trustees of Bolivar Academy, in Monroe county, Tennessee, shall have the authority to sell a part of the grounds surrounding the academy building, it being a triangular piece of ground in the southwestern corner of the academy lot, containing one-half acre, more or less; the money arising from said sale to be used in repairing or improving the academy building or grounds.

Sec. 2. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 14, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 17, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 259.

HOUSE BILL No. 848.

AN ACT to authorize railroad companies operating in Tennessee to build lateral or branch railroads, and condemn private property therefor.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That any railroad company operating a railroad, or any part of same, in Tennessee, or that may hereafter do so, shall have power to build or acquire lateral or branch lines of railroad, not to exceed fifteen miles in length, for any one of such lateral or branch roads, extending from its main stem in Tennessee to any mine or quarry, or into any mineral section of country tributary to such main stem, for the purpose of developing the mineral material resources of the country; and such railroads shall have power to condemn private property for use in the construction and operation of such lateral or branch roads; Provided, That private property shall not be taken therefor, against the owner's will, without condemnation thereof, as now provided by law in other cases, and such roads shall be, as common carriers, subject to the same duties and restrictions as the main lines with which they connect.

Sec. 2. Be it further enacted, That nothing in this act shall be so construed as to make it lawful for any railroad corporation to purchase or consolidate itself with any competing line of railway, whether constructed or in course of construction; And, provided, That nothing in this act shall be construed to exempt railroad companies from paying state, county, or municipal taxes upon such extension or lateral lines.

Sec. 3. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 15, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 17, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 260.

HOUSE BILL No. 913.

AN ACT to amend chapter 210^o of the Acts of 1897, being the charter of the town of Johnson City, in Washington county.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That chapter 210 of the Acts of 1897, and the same is hereby amended by striking out section 5 of article 3, and inserting in lieu thereof the following: Section 5. Be it further enacted, That no salary or other compensation shall be paid the mayor or aldermen; nor shall any allowance be made them for extra services of any character.

Sec. 2. Be it further enacted, That section 13 of article 2 of said act be stricken out, and that the following section be inserted in lieu thereof: Section 13. Be it further enacted, That the compensation of all officials elected by the board of mayor and aldermen shall be fixed by said board; Provided, That the salary and fees of the recorder shall not exceed six hundred dollars per annum, and the salary of the city attorney shall not exceed one hundred dollar per annum.

Sec. 3. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 15, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 17, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 261.

HOUSE BILL No. 600.

AN ACT to amend the charter of the town of Fayetteville, in Lincoln county, to-wit: An Act passed by the General Assembly of the State of Tennessee, October 23, 1819, entitled, An act to incorporate the town of Washington, and for other purposes; to amend an Act of the General Assembly of said state, passed December 12, 1865, entitled "An Act to establish a recorder's court in the towns of Shelbyville, Murfreesboro, Franklin, Tullahoma, Fayetteville, Winchester, and Manchester, and for other purposes;" to amend an act passed March 24, 1877, entitled, "An Act to extend the corporate limits of the town of Fayetteville;" to amend an act passed March 24, 1897, authorizing the election of the mayor by the people, for a decrease in the number of aldermen, and to empower the mayor and aldermen to buy, lease, or establish waterworks and lighting plant, and to issue bonds for the same and provide for their payment, being chapter 308 of the Acts of the General Assembly; to amend all other acts pertaining to the town of Fayetteville, and granting to said town additional rights, powers, and privileges.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the town of Fayette-

May acquire
and dispose of
property.

ville, by and under the name and style of the "mayor and aldermen of the town of Fayetteville," is hereby authorized to purchase, acquire, and hold all real and personal property necessary for the public uses of the inhabitants of the town, both within and beyond its limits, and when the same shall be no longer required for public use to sell and convey the same, as may be provided by ordinance, and the mayor and the aldermen shall, by ordinance, make all needful rules for the regulation and use of such property.

Ordinances to
be published.

Sec. 2. Be it further enacted, That all ordinances passed by the mayor and aldermen shall be published once in some newspaper published in the town of Fayetteville, and no ordinance shall be enforced until such publication has been made.

Offenders pun-
ished;
fines, etc.,
worked out.

Sec. 3. Be it further enacted, That the mayor and aldermen are hereby authorized to provide for the punishment of all offenders against the ordinances of the town, by imprisonment, in cases where said offenders shall fail or refuse to pay the fine, penalties, forfeitures, and costs which may be recovered against them, and also provide by ordinance for all persons to work out such fines, forfeitures, penalties, and costs on the streets of the town of Fayetteville, or in such other way or manner as the mayor and aldermen may prescribe; and all fines, penalties, and forfeitures collected for offenses committed or penalties incurred shall be paid into the treasury of the town, and shall be disposed of as a part of the general revenue thereof.

Dangerous
structures,
removal of.

Sec. 4. Be it further enacted, That whenever, in the opinion of the board of mayor and aldermen, any building, or other structure of any kind, or any part thereof, is liable to fall down and endanger persons or property, or where any building or other structure has been made or erected, or allowed to remain in any locality contrary to ordinance, the mayor and aldermen may order any owner or occupant of the premises on which such building or structure may be, to take down or remove the same within the time prescribed by the order of the board, a copy of which order shall be served upon the owner or occupant; and if such owner or occupant shall neglect or refuse to take down or remo

the same within the time prescribed by such order the mayor and aldermen may cause said building or other structure to be taken down, or removed by and under the direction of such officer as may be designated by the board, and to assess the expenses thereof on the lot or land on which it stood, and the amount of such expenses shall constitute a charge on the lot or land, and may be collected in such manner and way as the board of mayor and aldermen may provide by ordinance.

Sec. 5. Be it further enacted, That the mayor and aldermen shall have the management and control of the finances and all property of the corporation, real, personal, and mixed, and shall have power by ordinance: Powers.

1. To appropriate money and provide for the payment of the debts and expenses of the corporation.

2. To open, alter, abolish, widen, extend, establish, grade, pave, or otherwise improve and keep in repair the streets, alleys, sidewalks, drains and sewers within the corporate limits, and to regulate the same.

3. To provide for lighting, by electricity or otherwise, the streets, or other public places in the town.

4. To provide all needful buildings for the use of the town.

5. To levy taxes upon all property within the corporate limits, taxable by law for state purposes, except such as is exempt by the act of 1877, referred to in the caption of this act.

6. To license, regulate, and tax all lawful occupations, privileges, business places, amusements, places of amusement, billiard tables, and pool tables, taxable by the laws of the state.

7. To regulate the sale or giving away of intoxicating, spirituous, vinous, malt or mix liquors within the corporation.

8. To prohibit and suppress gaming, gambling uses, prize fighting, cock fighting, dog fighting, rdy houses, disorderly houses, houses of illfame, any place of resort for the practice of lewdness or unction, or notoriously reputed to be such, ether kept by one or more persons, and to destroy uments of gambling.

To regulate the storage of illuminating oils,

gunpowder, or other explosive or combustible material, and to regulate or prohibit the use of firearms.

10. To prevent the dangerous construction and condition of chimneys, fire places, hearths, stoves, stove pipes, ovens, boilers and apparatus, and cause the same to be removed and placed in a secure and safe position.

11. To compel the owners of property upon the public square, or any street or alley within one block of the public square, within the corporation, to grade and pave the sidewalks and pavements to the whole extent of the front along the same, the same to be done pursuant to ordinances for that purpose.

12. To establish and designate fire limits, within which wooden buildings shall not be erected.

13. To levy and collect a poll tax, annually, not exceeding one dollar, upon every male person within the corporation, over twenty-one and under fifty years of age, not exempt by the laws of the state.

14. To remove all obstructions from the streets, alleys and sidewalks and curbstones within the corporation, or have the same done, and to prevent and remove all obstructions and encroachments into or upon all or any streets, pavements, alleys or sidewalks within the corporate limits.

15. To erect and maintain a workhouse or calaboose, and to provide for the regulation and government thereof.

16. To prevent and restrain breaches of the peace, fighting, drunkenness, or disorderly conduct; and to arrest and cause the arrest and trial of all vagrants and persons disorderly or drunk, and punish the offenders by fine, imprisonment and labor, within or without the workhouse or calaboose.

17. To prevent horse racing and fast riding and driving on the public square and streets of the town; to punish or prohibit the abuse of animals, and to compel persons to fasten horses or other animals attached to vehicles, or otherwise, while standing remaining on the square or streets of the town.

18. To erect hydrants and pumps, to construct cisterns and reservoirs; to lay pipes for the conducting and distributing of water over the town; to keep same in repair; to lay pipes and conduits for the

pose of bringing water from streams and reservoirs into the town for the use of the inhabitants thereof in such manner and way as shall be deemed to be in the best interest of the town, and to regulate and fix the price to be charged private consumers of water.

19. To establish and enforce quarantine laws and regulations, and to enforce the same within the town and within one mile thereof; to prevent the introduction and spreading of contagious diseases, and to secure and promote the health of the inhabitants of the town by any means necessary; to regulate or prevent the carrying on of any business or occupation within the corporation which may be dangerous or detrimental to the public health, and to declare, prevent, or abate nuisances on public or private property, and the cause thereof.

20. To prevent and punish all disturbances, Sunday breaking, disorderly assemblages in any street, house or place in the town.

Sec. 6. Be it further enacted, That the mayor and aldermen shall have power to make all ordinances which shall be necessary and proper for the carrying into execution the powers, rights, and privileges specified in this act, and to make all ordinances that they may deem necessary or requisite for the good order, health, good government, and general welfare of the town, and also for the protection and preservation of any property of the town, and to enforce such ordinances by proper fine, imprisonment, or other penalties; and said mayor and aldermen shall also have power to provide for the employment of such person or persons in any of the departments of the town government that they may see proper.

May make and enforce ordinances.

Sec. 7. Be it further enacted, That all franchises or privileges granted by the town of Fayetteville to corporations or individuals shall be limited to twenty years from the granting of the same, and such franchises or privileges so granted shall plainly specify in what part or parts of the town the same shall apply, and no franchises or privileges shall be granted in general terms, or to apply to the town generally.

Franchises, etc. granting of.

Sec. 8. Be it further enacted, That any elective or appointive officer may be removed for cause by vote two-thirds of the board of mayor and aldermen, in

Removal of officer; filling vacancy.

regular or call meeting assembled; and whenever any vacancy shall occur in any such office the mayor, with the consent of a majority of the board, shall appoint a person to fill such vacancy.

Written
charges.

Sec. 9. Be it further enacted, That before any officer or employe of the town, who is elected or employed for a definite time, shall be removed, he shall be furnished by the board, in writing, the charges or causes assigned for his removal, for such time as the board may fix; and in the examination of the charges, or at the trial of the officer or employe, the presiding officer of the board shall have power to administer oaths, and to subpoena and compel the attendance of witness and the production of books and papers.

Failure to aid
in preserving
peace, etc.

Sec. 10. Be it further enacted, That the mayor, or any policeman of the town, are authorized and empowered to call upon any male inhabitant of the town over the age of eighteen, and under the age of sixty, to aid in enforcing the laws and ordinances of the town, and preserving the peace and safety of the same, and any such person who shall refuse or wilfully neglect to obey such call shall, upon conviction thereof, be fined in the sum of not less than five nor more than fifty dollars.

Books, etc.,
effect of re-
fusal to exhibit

Sec. 11. Be it further enacted, That the mayor and aldermen shall have the power, whenever they shall deem it necessary, to demand and require of any officer or employe of the town to exhibit his books and papers, and the refusal of such officer when required to produce such books or papers, shall be deemed a forfeiture and abandonment of his office or employment.

Assessor.

Sec. 12. Be it further enacted, That the board of mayor and aldermen shall have power and authority to elect an assessor for such term as may be fixed by the board, to assess all property within the limits of the town in the same manner as the county assessors assess property for state and county purposes, with all of the powers, and charged with all of the duties required by law of county assessors, who shall receive such fees or salary for his services as the board of mayor and aldermen shall prescribe.

Tax collector;
sale for taxes.

Sec. 13. Be it further enacted, That the town constable, or chief of police, is hereby made the collector of the taxes of the town, and for the purpose of

lecting the same, is hereby given all of the powers and charged with all of the duties devolving by law upon county trustees in the collection of state and county taxes. And all laws of this state for the collection of state and county taxes, including laws for the sale of property for taxes, and the redemption of the same shall apply and have full force for the collection of the taxes of the town; and said town constable or chief of police shall receive such fees or salary for his services as the mayor and aldermen shall prescribe.

Sec. 14. Be it further enacted, That no person or persons, firm or corporation, shall exercise any of the privileges provided for in this act without first obtaining a license from the clerk of the board paying the specified tax laid thereon, and the clerk's fee; and if any person or persons, firm or corporation, shall sell any goods or exercise any of said privileges without obtaining the license prescribed, the clerk of the board shall issue to the town constable, or any policeman of the town, a distress warrant, commanding him to levy in case of a privilege a tax double the highest tax imposed upon any privilege, and in other cases a tax double the highest tax imposed upon a similar business, together with the costs and charges, by distraining and selling so much of the delinquent's goods and chattels as may be necessary for the purpose; and the violation of this section shall be a misdemeanor, and, on conviction therefor, the party or parties, firm or corporation, shall be fined not less than ten nor more than fifty dollars.

License; failure to obtain; penalty.

Sec. 15. Be it further enacted, That the town constable or policeman to whose hands said distress warrant shall come shall immediately execute the same by seizing and levying on the goods and chattels of such delinquent, and after so seizing and making the levy shall give ten days' notice of the time and place of sale, and shall sell at public outcry at the time specified in said notice the goods and chattels so seized and levied on, unless the owner or owners, at or before the time of sale, produce the clerk's receipt for the tax, cost, and charges, in which case the constable or policeman will immediately deliver the goods to the owner or owners.

Sale for tax.

Sec. 16. Be it further enacted, That whenever the

Condemnation
of property for
streets.

board of mayor and aldermen shall, by ordinance, establish, widen, open, or alter any street or alley within the corporate limits, and it shall become necessary for that purpose to take private property, and no agreement can be made with the owner thereof, the town shall make just compensation therefor to the person whose property is so taken, the amount of such compensation to be ascertained in the manner prescribed by the general law.

Recorder pro
tem.

Sec. 17. Be it further enacted, That if the recorder shall, from absence, incompetency, or inability to act, or be disqualified from sitting in particular case, the mayor is hereby authorized to appoint a temporary recorder for a definite time, or for the particular case, and such person so appointed by the mayor shall have all of the powers of the regular recorder for the time and for the purposes appointed.

Constable and
police, duties
of.

Sec. 18. Be it further enacted, That the duties of the town constable or chief of police, and each of the members of the police force, shall be to suppress all riots, disturbances, and breaches of the peace, to apprehend all persons in the act of committing any offense against the ordinances of the town, and to bring such person or persons before the recorder for examination, and at all times to diligently and faithfully enforce all such ordinances as the mayor and aldermen shall provide, and may upon view arrest any person or persons who may be guilty of a breach of such ordinance, and are hereby empowered to serve and execute all process issued by or out of the recorder's court. It shall also be the duty of the town constable or chief of police, or any policeman making an arrest, with or without process, of any offender against the ordinances of the town, to bring such offender before the recorder's court, if in session, if not, to confine such offender without his consent in the workhouse or calaboose until such time as he can or should be brought before said court, and then deliver him up for trial and examination.

Process served.

Sec. 19. Be it further enacted, That the town constable or chief of police, and all policemen of the town, are hereby authorized either within or outside of the corporate limits of the town, to serve and execute all process that may be issued by the recorder court in any proceeding instituted for the enforce-

ment of the ordinances of the town, or punishment for the violation thereof, for the collection of any fine, penalty, or forfeiture which may be incurred under the ordinances of the town.

Sec. 20. Be it further enacted, That in order to effect the abatement of nuisances or the removal of accumulated filth and impure matter, the board of mayor and aldermen shall have power, whenever in its opinion such nuisance, filth, or impure matter exists, to notify through the health officer, the town constable, or policeman, the owner or owners of the houses, buildings, or premises, or his, her, or their agent, to abate or remove the same, either by filling up, draining, cleaning, purifying, or removing the same. The notice shall be in writing, shall be served upon the owner or agent having charge of the property, and shall specify the time within which the parties shall abate or remove the matter complained of; and if the owner or agent having charge of the property, who shall have been served with such notice, shall fail, within the time therein indicated, to comply with such order, or fail to show good cause before the board why he cannot or ought not to comply with the order, for which purpose he shall be entitled to be heard if so requested, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not exceeding fifty dollars, and the nuisance shall be abated or removed, and the costs thereof shall be collected by the corporation from the owner or owners of the property, with interest and damages, in the manner to be provided by ordinance; Provided, That in case of emergency, when the public health is in danger from pestilence, epidemics, or diseases, the board may order the abatement, removal, or destruction of the offensive or impure matter, summarily, without notice. The town constable and other members of the police force are hereby required to report to the board any matters which may come to their knowledge injurious to or threatening the public health.

Sec. 21. Be it further enacted, That any qualified voter of Lincoln county residing without the corporate limits of said town, but owning taxable property within the corporate limits of said town, shall be permitted to vote in all municipal elections.

Nuisances, etc.
removal of; notice.

Nonresident
may vote,
when.

Sec. 22. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 7, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 17, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 262.

HOUSE BILL No. 763.

AN ACT to provide for locating and building of public roads and bridges in Sullivan county by authorizing the county court to issue interest bearing coupon bonds of said county, and providing for a board of commissioners to carry out the same.

May issue road
and bridge
bonds.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the county court of Sullivan county be, and it is hereby, authorized at any time to issue interest bearing coupon bonds of said county, to be signed by the chairman or county judge, and countersigned by the county court clerk of said county, in an amount not to exceed one hundred thousand dollars, to be used, or the proceeds of which shall be used, for no other purpose than to locate and build public roads and bridges in said county as herein provided.

interest; term.

Sec. 2. Be it further enacted, That said bonds shall bear such rate of interest, not to exceed five per cent per annum, and mature and become due and payable at such time or times from ten to thirty years after their date, as the county court of said county by order may fix and determine. Said bonds and interest shall be payable in lawful money of the United States.

Sec. 3. Be it further enacted, That the interest

said bonds shall be represented by coupons attached to the same, and shall be payable semiannually at such time and place as the county court of said county may by order determine.

Semi annual
interest cou-
pons.

Sec. 4. Be it further enacted, That the bonds or the proceeds thereof hereby authorized, and the convict labor herein provided for, shall be used and expended in locating, grading, bedding, and macadamizing such road or roads terminating in or passing through the city of Bristol, in said county, and for the building and construction of such bridges over and across the rivers, creeks, and water courses crossed by said roads, as the county court of said county may designate by order.

Used for what
roads.

Sec. 5. Be it further enacted, That the bonds herein authorized shall be executed in denominations of \$100 to \$1,000, according as said county court may determine, and that said bonds shall not be sold for less than par.

Denominations

Sec. 6. Be it further enacted, That the board of commissioners hereinafter provided for shall have full power to determine the nature and character of said road beds, the depth and width of macadam, and, generally, the kind and cost of the road improvements and bridges to be built hereunder except in so far as said court may see proper to determine same; but said commissioners shall have power to make all changes in the location of said roads and to fix the grades of same, which shall in no case exceed an eight per cent. grade.

Kind and cost
of work, com-
missioners to
decide.

Sec. 7. Be it further enacted, That the county court of said county shall elect three commissioners, not more than two of whom shall be of the same political faith, who shall be so elected or selected on account of their conspicuous ability and intelligence, and for their well known integrity. Said commissioners shall have control and supervision and full charge of the construction of said roads and bridges, subject to the orders of said county court in respect to all matters and powers not herein given and intrusted to said commissioners; in the election of said commissioners said court shall designate from the persons so elected one to act as chairman, and one to act as secretary of said board, and fix their respective salaries, the same

Commission-
ers; duties;
compensation.

to be paid out of the proceeds of said bonds, and not to exceed \$700 per annum for the chairman, \$600 for the secretary, and \$500 for the other members of said board, and in case of vacancy in said board the chairman of said court shall fill the vacancy by appointment until the next term of the quarterly court, when the court will elect a successor to fill the vacancy.

Bond and oath
of commission-
ers.

Sec. 8. Be it further enacted, That before said commissioners shall enter upon the duties of their office they each shall execute bond, with good and solvent security, in the penal sum of ten thousand dollars, payable to Sullivan county, and conditioned upon the honest and faithful performance respectively of their duties as such commissioners, and shall take and subscribe to the following oath before the clerk of the county court of said county (which bonds and oaths shall be spread upon the record of said court), to wit:

State of Tennessee, Sullivan County—ss.

I, _____, one of the board of commissioners provided for in the act of the general assembly of Tennessee for 1899, being chapter —. page —, of said acts, do hereby solemnly swear (or affirm) that I will faithfully, honestly, impartially, and vigilantly discharge my duties as such commissioner to the best of my skill and ability; that I will not, directly or indirectly, be or become interested in any contracts or supplies, or profits or efforts to profit, by or out of contracts to be let under authority of said act, or for the work to be done or public improvements contemplated therein; that I will in no manner favor or seek to favor any friend, or punish or disfavor any enemy, by any act or conduct of mine in the discharge of my said duties, and that my whole purpose in all my acts to be done as such commissioner shall be alone to subserve the best interest of Sullivan county and the public, who, by imposing this trust upon me, have manifested their confidence in me, and that I have read said act, and have read this affidavit, before making oath to the same.

Subscribed and sworn to _____ before me, etc.

Engineer.

Sec. 9. Be it further enacted, That said board of commissioners shall have power to employ a competent civil engineer, with one assistant if deemed

necessary by them, whose compensation shall not exceed \$1,200 and \$900, respectively, per annum, or at that rate for the actual time put upon said work, the same to be paid out of the proceeds of said bonds.

Sec. 10. Be it further enacted, That said board of commissioners shall let all contracts for grading, locating, or constructing and macadamizing the roads and bridges upon which the proceeds of said bonds as herein set forth are to be expended; Provided, That no bid shall be let except after first advertising for thirty days (30) in some newspaper and securing sealed bids therefor, and, after same shall be opened, the biddings for such work shall remain open for ten days, whereupon the lowest and best bid made shall be accepted, at the discretion of said board; Provided further, That no bid shall be accepted unless the party making same shall first give bond in an ample amount to be fixed by the said commissioners, conditioned to faithfully and fully comply with his contract, and at no time shall more than eighty per cent. of the amount due a contractor be paid, until his contract has been completed and accepted in writing by a majority of said commissioners; And provided furthermore, That no bid shall be accepted without the unanimous consent of said board whenever there has been no competitive bidding. And said board of commissioners shall have the right to reject all bids and employ the necessary forces, and do such work, or any part of it, on its own account, if in the judgment of a majority of the board the work can be done cheaper thereby.

Contracts let
on advertise-
ment; bond,
etc.

Sec. 11. Be it further enacted, That said board of commissioners are hereby authorized and empowered to institute proceedings in the manner now provided by law in case of ordinary road commissioners, to open or change the location of roads, or parts of roads, and to condemn private property and assess damages for any changes they may decide to be necessary in the location of said roads, or any parts thereof, such damages to be paid out of the proceeds of said bonds.

Change or
open roads;
condemn prop-
erty.

Sec. 12. Be it further enacted, That it shall be the duty of said commissioners to keep books and enter therein all accounts and expenses made or incurred in the building or construction of said roads and

Accounts to be
kept; quar-
terly report.

bridges, and all items of money expended under authority of this act; they shall first audit and approve, in writing, all claims for work done and materials furnished in the construction of said roads and bridges, and all or any item of expense payable out of the proceeds of said bonds; they shall report in writing, and under oath, to each quarterly term of said court the amount of work done and obligations incurred by them during the preceding three months, which reports shall be passed upon by said court and compared with the book of the chairman of said court herein required to be kept, and shall be confirmed in so far as correct.

Account kept
of orders
drawn on road
fund.

Sec. 13. Be it further enacted, That the funds arising from said bonds shall, at all times, be kept separate and distinct from the other funds of said county, and shall be paid out only upon the written orders or warrants of the chairman of said court, drawn upon said funds. And the chairman of said court shall keep a book in which shall be kept alone a full account of the orders or warrants drawn upon said funds, said book to show the amount and date of each order or warrant and the claim upon which it is paid; also the names of the commissioners who shall have audited and approved the same, but no order or warrant shall be drawn by the chairman of said court on said funds except the claim for which such order or warrant may be so drawn shall have first been audited and approved, in writing, by a majority of said commissioners, and except such order or warrant shall show upon its face the claim on account of which it is drawn. And any disbursement of any part of said funds, except in strict compliance herewith, shall be illegal and void, and no credit shall be allowed therefor.

Toll roads; to
what tolls ap-
plied.

Sec. 14. Be it further enacted, That such roads, or parts of roads as shall be made or built and macadamized hereunder, may be made toll roads at the discretion of said county court, which shall have power to erect and maintain toll gates at such points as said court may determine, and collect tolls thereon. Provided, That the net amount derived from such tolls shall be applied to the payment of the interest on said bonds, or to be set aside and kept as a sinki

fund to liquidate said bonded indebtedness, and the net income from such tolls shall be used for no other purpose so long as any of said bonds are unpaid; And provided further, That the tolls to be collected under authority hereof on wheeled vehicles shall be reduced one-third (1-3) on all such vehicles having tires not less than three and one-half (3 1-2) inches in width.

Sec. 15. Be it further enacted, That said commissioners shall be elected for a period of not less than one year, and immediately thereafter ^{Term of commissioners; county court to accept act; removal of commissioners.} until said roads and bridges are completed, and may hold office until their successors are elected and qualified; and when elected and qualified, said commissioners shall, during their term of office, have and exercise all the powers herein given to them for the purpose of building said roads and bridges. But said bonds shall not be issued, and said commissioners shall not be vested with the power herein conferred unless and until said county court shall first accept the terms of this act, and approve same by authorizing the issuance of all or such part of said bonds, as, by order of the quarterly court of said county, may be determined; And provided, That said county court shall have the right, after ten days' written notice to all or any of said board of commissioners, to remove all or any of them for such reasons as said court may deem sufficient, by a two-thirds (2-3) vote of all of the justices of said county.

Sec. 16. Be it further enacted, That if necessary to meet the interest on the bonds to be issued hereunder, ^{Interest and sinking fund tax.} or any balance thereof, after exhausting the net income from such tolls as said court may collect from said roads, said county court is authorized and shall levy annually and collect a special road improvement tax sufficient to pay said interest, the same to be levied upon all the property in said county, including that within the corporate limits of any municipality in said county, and said county court shall have the power to levy annually and collect said special road improvement tax, in an amount sufficient also to establish and provide a sinking fund to meet said bonds at maturity; Provided, That the road tax now authorized by law, and which would otherwise be levied upon the roads that may be improved

hereunder, may be applied to meet said interest, or put into such sinking fund; And provided further, That the special road improvement tax in this section authorized shall not, for any one year, exceed in amount twenty cents on the hundred dollars worth of property shown by the assessor's books of said county.

Sec. 17. Be it further enacted, That all laws, or parts of laws, in conflict herewith, are hereby repealed.

Sec. 18. Be it further enacted, That this act shall take effect from and after its passage, the public welfare requiring it.

Passed April 14, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 17, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 263.

HOUSE BILL No. 876.

AN ACT to change the lines between the counties of Davidson and Wilson.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the line between the counties of Wilson and Davidson be so changed as to include in the county of Davidson the lands of Lewis Bond.

Sec. 2. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 14, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 17, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 264.

HOUSE BILL No. 658.

AN ACT to change the line between the counties of
Hickman and Lewis.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the line between the counties of Hickman and Lewis be, and the same is hereby, changed as follows: Beginning at a stake in the line as now established on the south side of Cane creek, at what its known as Jenkins' ford, and on the south side of DePriest's branch and the public road, runs thence N. 82 degrees east 140 poles to a stake; thence N. 75 degrees east 36 poles to A. J. DePriest's line; thence with his south boundary line to a black walnut stump near the south side of the road; thence with the south boundary line of A. J. Brown's land to A. J. DePriest's other tract of land; thence with his south boundary line to his corner; thence with J. D. Brown's south boundary line to a black walnut on the south side of the Centreville road; thence N. 65 degrees east 32 poles, to a stooping black oak with white oak pointers; thence N. 41 degrees east 80 poles to a stake with hickory pointers; thence N. 31 degrees east 134 poles to a small black gum in the Hickman and Lewis county line, near Joseph Horner's house.

Sec. 2. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 15, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 17, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 265.

HOUSE BILL No. 702.

AN ACT to create and regulate the office of county judge for Maury county, Tennessee; to fix his salary, and to define his duties and jurisdiction.

Term.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That there shall be elected by the qualified voters of Maury county, Tennessee, a person learned in the law to be styled the county judge, who shall hold his office for the term of eight years from the date of his commission, except the first judge to be appointed under the provisions of this act, who shall hold his commission until the next regular election, or until his successor shall be elected and qualified.

Sec. 2. Be it further enacted, That it shall be the duty of the governor of the State of Tennessee to appoint a person learned in the law, and competent to hold the office of county judge of said county, from the first Monday in January, 1900, to the first Monday in September, 1900, and until his successor is elected and qualified under the provisions of this act.

Elect'on; judge
incompetent.

Sec. 3. Be it further enacted, That the first election for the county judge of Maury county shall be held at the same time and place, and by the same officers that the other county elections are held, on the first Thursday in August, 1900, and under the same rules and regulations that are prescribed by law for other county elections; and subsequent elections (except vacancies, which shall be filled when they occur in the manner prescribed by law for circuit judges) on the first Thursday in August, every eight years thereafter; and in case of sickness, incompetency, or inability of the county judge, a special judge may be elected under the same provisions, and with the same powers of said county judge, in the same manner as prescribed by section 5730, Shannon's compilations of the laws of Tennessee.

Sec. 4. Be it further enacted, That the offices of the chairman of the county court, and the chairman pro tem. of the county court of Maury county, is abolished from and after the first Monday in January, 1900, and from and after that date the said county judge shall have and exercise all the jurisdiction and powers of said offices. He shall preside at its sessions, to be held as hereinafter provided, and shall have and exercise the same powers, jurisdiction, and authority now exercised by the chairman of said county court, and shall perform the same duties required of said chairman in or out of said county court, whether in session or not, except as herein provided.

Judge act as
chairman,
when.

Sec. 5. Be it further enacted, That the county court to be held by the county judge, under the provisions of this act, shall hold its regular sessions on the first Monday of each month, and shall sit from day to day so long as the business thereof may require, and shall have power to preserve order by imposing such fines as will effect that purpose.

Sec. 6. Be it further enacted, That all the jurisdiction and powers of the present county court of Maury county, Tennessee, over administrators, executors, guardians, wards, trustees, wills, dower, partition of lands, sale or division of lands, and of all testamentary and administrative matters, or subjects connected therewith, questions of lunacy, control of county roads, are hereby abolished from and after the first Monday in January, 1900, and the same from and after that date are hereby transferred and given to the county court to be held by the county judge, who shall have all jurisdiction, power, and authority now possessed by the county court of Maury county over all these subjects, with such power and authority necessary and proper in the exercise thereof; Provided, Either party may have the right of appeal from any judgment, order, decree, or action of said county judge as is now allowed by the laws of the state in other cases.

Power and ju-
risdiction.

Sec. 7. Be it further enacted, That the duties of the county judge of the county court of Maury county shall not interfere with the duties of the county court clerk of said county as now provided by

County clerk. law; the said clerk shall be and continue the clerk of said county court, to be held by the county judge under the provisions of this act, and shall have and perform all the powers, jurisdiction, and authority incident to the office of county court clerk.

Duties. Sec. 8. Be it further enacted, That said county judge for Maury county shall be the accounting officer and agent for said county, and, as such, shall have the power, and it shall be his duty:

1. To have care and custody of all county property.

2. To control all books, papers, and documents pertaining to his office and the county.

3. To audit all claims against the county, and when approved by him, he shall certify the same to the clerk of the county court, who shall issue a warrant therefor on the county treasury, and signed by the county court clerk.

4. The county judge shall countersign all warrants issued by the county court clerk upon the county treasury, and no warrant shall be a valid claim against the county unless signed by the county court clerk, and countersigned by the county judge.

5. To audit and settle the accounts of the county trustee, and those of any other collector of revenue, taxes, or income, payable into the county treasury, and those of any other person intrusted to receive and expend any money of the county, and to require said officers or persons to render and settle their accounts, as required by law, or the authority under which they may act.

6. To cause to be entered by the county court clerk, in a well-bound book, to be known as warrant book, in the order of issuance, the number, date, and amount and name of the drawee of each warrant drawn upon the county treasury.

7. The county judge shall keep in a suitable and well-bound book an account of the receipts and expenditures of the county in such manner as will clearly show the assets of the county, and the debts payable to and by it, balancing said accounts annually, and to exercise general supervision over the financial concerns of the county.

8. No money shall be drawn out of the county treasury except upon a warrant issued by the count

court clerk, and countersigned by the judge of the county court.

9. The duties directed to be performed by the county court clerk in the administration of insolvent estates shall be as heretofore, except that which is judicial in its nature.

10. The county judge of Maury county, from and after the first Monday in January, 1900, shall have jurisdiction of all litigation concerning county roads in Maury county, and questions in regard to the same.

Sec. 9. Be it further enacted, That from and after the first Monday in January, 1900, it shall be the duty of the county court clerk of said county to keep and preserve in well bound dockets all cases provided for in this bill to be tried in said county court; and to enter upon said dockets all suits, showing the names of the plaintiffs and defendants, all motions and actions that may come before said county judge for trial, and he shall also enter upon said docket a memorandum of all papers filed in each case pending in said court, and no suit or action or motion before said court shall be tried except it appears on said docket, and all suits, motions, and actions shall be tried, continued, or disposed of in the order in which they appear in said docket.

Docket of
county court.

Sec. 10. Be it further enacted, That the said county judge shall not be precluded from practicing before the supreme court or circuit courts of this state, or the chancery court, but he shall not be permitted to act as counsel in any case going up from his own court.

Judge may
practice,
where.

Sec. 11. Be it further enacted, That whenever said county judge is unable to attend his court from sickness or other cause, then the governor shall have power to appoint some suitable person to hold said court until the disability of the regular judge is removed.

Judge pro tem.

Sec. 12. Be it further enacted, That the quarterly county court, composed of the justices of the peace of Maury county, shall meet as heretofore on the first Mondays in January, April, July, and October of each year, and said county judge shall preside over the same, and they shall have such jurisdiction as they

Quarterly
court, meet-
ings of.

now have by law except such as is conferred by this act on said county judge.

Judge's salary. Sec. 13. Be it further enacted, That the compensation of said county judge shall be twelve hundred dollars per annum, to be drawn quarterly by warrant upon the county treasury, as in other cases herein provided for.

Qualifications; bond, oath. Sec. 14. Be it further enacted, That the said county judge shall be commissioned in the same manner as other judges of the state, and he shall be thirty years old, and a person learned in the law, and a resident of Maury county, and before entering upon the duties of his office he shall give bond in the sum of \$2,500, to be approved by the judge of the circuit court, for the faithful performance of the duties of his office, and he shall take an oath to support the constitution of the United States and of the State of Tennessee, and to faithfully discharge the duties of his office.

Sec. 15. Be it further enacted, That all laws and parts of laws in conflict with this act be, and the same are hereby, repealed, in so far as they conflict, but not further or otherwise.

Sec. 16. Be it further enacted, That appeals from this court shall be to the supreme court.

Sec. 17. Be it further enacted, That this act take effect from and after the first Monday in January, 1900, the public welfare requiring it.

Passed April 13, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 17, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 266.

HOUSE BILL No. 930.

AN ACT authorizing Gibson county to issue its warrants, bearing interest, for the purpose of building a courthouse at Trenton, Tenn., in said county, in conformity to the contract already made by said county, and to provide for their payment.

Whereas, The county of Gibson, through its quarterly court, has entered into a contract for the erection and construction of a new courthouse at Trenton, Tenn.; and,

Whereas, Said county has agreed to issue time warrants bearing interest from date for the payment thereof; therefore,

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the county court of Gibson county is hereby authorized and empowered to issue warrants upon the trustee of said county, bearing interest from their date not exceeding six per cent. per annum, which warrants are to be issued in five series, payable as follows: The first series to be payable one year after their date; the second series payable two years after their date; the third series payable three years after their date; the fourth series payable four years after their date; the fifth series payable five years after their date; and the whole series not to exceed thirty-five thousand dollars (\$35,000), and each series not to exceed in amount one-fifth of the aggregate amount authorized to be issued under this act. The said warrants are to be sold by said building committee for not less than their value, and the proceeds to be used in the payment of the erecting of said new courthouse at Trenton, Tenn.

Sec. 2. Be it further enacted, That said warrants shall be issued as the work progresses on the said courthouse building as provided in said contract, at times and in such amounts as shall be directed by

the building committee appointed at the January term, 1899, of the quarterly court of Gibson county, or their successors, and approved by the chairman of the county court of Gibson county, or the county judge of Gibson county, Tenn.; and said warrants are to be signed by the chairman of the county court of Gibson county, or county judge, if any, and also by the chairman of the building committee, and are to be payable out of such fund as may be provided for their payment by the county court of Gibson county, Tenn.; and the fact that they are so payable shall be stated on their face in the following language: "Payable out of the courthouse fund."

Sec. 3. Be it further enacted, That the quarterly county court of Gibson county, Tenn., is hereby authorized to lay and levy a special tax from year to year on all of the taxable property and privileges of Gibson county, Tenn., for the purpose of paying said warrants and the interest on the same, which tax shall be collected as other taxes now or may hereafter be collected by law.

Sec. 4. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 15, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 19, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 267.

HOUSE BILL No. 931.

AN ACT to incorporate the town of Dyer, Gibson county, Tennessee, to define its powers, and to provide for the taking of effect of same.

Be it enacted by the General Assembly of the State of Tennessee as follows:

ARTICLE I.—CORPORATE NAME AND BOUNDARIES.

Section 1. That the inhabitants of the town of Dyer, in the county of Gibson, State of Tennessee, be, and they are hereby, constituted a body politic and corporate by the name and style of the town of Dyer, and by that name shall have perpetual succession, may sue and be sued, plead and be impleaded in all the courts of law and equity, and may have and use a common seal, and alter the same at pleasure.

Sec. 2. The corporate limits of the town of Dyer shall be as follows: Beginning at a stake in the old Dyer and Trenton road where the new Rutherford and Trenton road enters same, the S. E. C. of the R. H. Hearn addition to Dyer; thence in a northerly direction with east margin of said Rutherford and Trenton road and on in same general direction to the bridge over ravine crossing Dyer and Keeley Mill road at S. E. C. of E. D. Haye's land; thence in a northwesterly direction and in direct line to a stake in the Dyer and Rutherford road, the N. E. C. of Montgomery's land; thence in a westerly direction with Montgomery's north line and on with Bob's south line to branch, and on with said branch creek crossing M. and O. R. R. at culvert, and on northerly to the east line of Killough's land; thence in a southwesterly direction in direct line to the small stake on Dyer and Yorkesville road in the hollow

west of E. E. Hutcherson's house; thence in a southeasterly direction in direct line to the public road, A. J. Mosley's N. W. C.; thence eastward with said Mosley's north line and on to M. and O. R. R.; thence in a northeast direction in direct line to the S. E. C. of the M. E. graveyard; thence in a northerly direction in direct line to the beginning.

Additions, how
made.

Sec. 3. Whenever any territory within, abutting upon, or near to the town of Dyer shall have been platted by the owner or owners thereof into streets, alleys, blocks, and lots conforming to and corresponding with the adjacent streets, alleys, blocks, and lots, and a map thereof made showing also the adjoining blocks and lots in the town, and the connecting alleys of the town, and the detailed topography of the platted territory, accompanied by a properly certified abstract of title to said territory, showing the title to be in the party or parties represented to be the owners of the land which it is desired to annex to the town, the town council may, upon the petition of all such owners of said platted territory, by ordinance, upon such terms and conditions as it may deem for the best interests of the town, declare the same to be an addition to the town of Dyer, and from thenceforth such territory shall be and become a part of the said town, and within the jurisdiction thereof, as effectually as though the same had been annexed by act of the legislature; Provided, That this section shall not apply to any lands upon which any taxes assessed in any town or municipal corporation are due and unpaid, nor to the lands of any town or other municipal corporation having a funded debt.

Wards; when
may be
changed.

Sec. 4. The town of Dyer is hereby divided into four wards, and ward number one is the territory included between Church street extended eastward with Keeley Mill road and the M. and O. R. R. north to the corporate limits, it being the northeast quarter of the town; ward number two is the territory included between Church street extended westward and south of the Baptist Church and the M. and O. R. R. north to the corporate limits, it being the northwest quarter of the town; ward number three is the territory included between Church street extended westward as above and the M. & O. R. R. south to the

porate limits, it being the southwest quarter of the town; ward number four is the territory included between Church street extended eastward as above and the M. & O. R. R. south to corporate limits, it being the southeast quarter of the town; and the town council may from time to time increase or decrease this number of wards and change or alter the boundaries of same; Provided, That no ward shall be changed or new wards created within one year preceding the biennial election hereinafter provided for.

Sec. 5. The said town by the name and style aforesaid is hereby authorized to acquire and hold all real and personal property necessary for the public uses of the inhabitants thereof, both within and beyond the limits of the town, and when the same is no longer required for the public use, to sell and convey the same, as may be provided by ordinance, and the town council shall, by ordinance, make all needful rules and regulations for the use of such property.

May acquire
and dispose of
property.

ARTICLE II.—LEGISLATIVE DEPARTMENT.

Section 1. The legislative power of the town of Dyer shall be vested in a town council, consisting of a mayor and two aldermen from each ward, to be elected biennially as hereinafter set out. The mayor to be elected from the town at large.

Mayor and al-
dermen.

Sec. 2. Any white male citizen of said town, and living within the corporate limits as hereinafter set out, and who is a qualified voter under the state election laws at the time of the election, shall be eligible to the office of mayor or alderman respectively.

Who eligible.

Sec. 3. The salary of the mayor for the first term of two years shall be fifty dollars—twenty-five dollars for each year—and the salary of the aldermen for the first term of two years shall be twenty-four dollars each—twelve dollars each for each year, and thereafter the salary of the mayor and aldermen shall be such sum as may be fixed by ordinance of and by the town council next preceding the term of office for which the salary is fixed, and same shall be fixed before the day of election.

Salaries of
mayor and al-
dermen.

Sec. 4. The town council shall be the sole judge of

Sec. 9. The town council shall have the control and management of the town finances, and of all property ^{Powers.} of the town, real, personal, and mixed, and shall have power by ordinance—

1. To establish and maintain a system of sewerage.
2. To appropriate money and provide for the payment of the debts and expenses of the town.
3. To open, alter, abolish, widen, extend, establish, grade, pave, or otherwise improve and keep in repair streets, lanes, alleys, sidewalks, drains, and sewers, and to provide for the planting and protecting of shade trees upon the streets, avenues, and parks, or other public grounds, and to regulate the same.
4. To establish, build, and keep in repair bridges.
5. To provide for lighting the streets and public grounds by gas, electricity, or other illuminating process or means, and to erect lamp posts, electric posts, or such other requirements and apparatus as may be necessary.
6. To privilege all needful building for the use of the town by building, lease, rental, or purchase as may be thought best.
7. To provide for inclosing, improving, and regulating all public grounds belonging to the town.
8. To license, regulate, and tax any and all lawful occupations, privileges, business places, amusements, and places of amusement, declared to be a privilege by the state laws.
9. To exclusively license and regulate billiard tables, bowling alleys, and other places of public resort; and to restrain and regulate the selling or giving away of intoxicating liquors, spirituous, vinous, malt, or mixed, within the town; Provided, It shall be, and it is hereby, declared to be unlawful for any person or persons, company, or corporation to sell, give away, bargain, or tipple any intoxicating liquors, including wine, ale, cider, beer, or vinous, spirituous, or mixed liquors, or any adulteration or mixture either of same, as a beverage in the town of Dyer, within one (1) mile of any school house, public or private, where school is kept, whether said school be in session or not. Or within one (1) mile of any church or building in which people usually congregate for religious worship. And the town council is

hereby authorized to make ordinances for the punishment of any and all violations of the provisions of this section.

10. To prohibit and suppress the sale or distribution of obscene books, papers, prints or pictures; the posting of obscene pictures, posters, or advertisements, dance houses, opium joints, gaming, gambling houses, dealing in lottery tickets, prize fighting, cock fighting, dog fighting, bawdy houses, disorderly houses, houses of ill fame, or assignation, or any place of resort for the practice of gaming, drunkenness, lewdness, or fornication, or notoriously reputed to be such, and to destroy instruments of gaming.

11. To prohibit or regulate the use of firearms.

12. To regulate and to restrain the running at large, within the corporate limits, of stock of any and every kind and dogs, fowls, etc. And to authorize the summary sale of all such stock and animals found running at large within the corporate limits.

13. To provide for the enumeration of the inhabitants of the town.

14. To prevent the building or construction of dangerous houses or buildings within the corporate limits, and to condemn and destroy same, or have same done. To prevent the construction of dangerous chimneys, flues, fire places, hearths, stoves, or other apparatus, and to cause such as are so to be removed or made safe and secure from fire.

15. To prevent the deposit of ashes, cinders, garbage, or other refuse at any improper place.

16. To regulate and suppress the use of fireworks of any and every kind.

17. To levy and collect a poll tax annually, not exceeding one (1) dollar, upon each and every male person over twenty-one (21) and under fifty (50) years of age, who shall have resided three (3) months within the town limits.

18. To remove all obstructions from, and prevent encroachment upon any and all streets, lanes, all walks, drains, etc.

19. To provide for the protection, improvement, keeping, and ornamenting, opening, laying out, controlling of a cemetery or cemeteries for the b-

of the dead, and to provide and sell lots for same, in such way and manner as may be deemed best.

20. To regulate or prevent the ringing of bells, blowing of horns, or whistles, and all other noises, performances, or devices tending to collect a crowd upon any of the streets, alleys, or walks of the town.

21. To regulate the use of locomotive engines; to require railroad companies to build and repair at their own expense, suitable crossings, bridges, etc., as may be deemed necessary and best for the town; to regulate the stops of trains upon crossings of streets, alleys, walks, etc., and to provide punishment for violations of ordinances regulating same.

22. To prevent and restrain riot, noise, disturbances, or disorderly assemblages, loud, indecent, or profane language, or behavior, in any street, house, or place within the town, breaches of the peace, fighting or disorderly conduct.

23. To prevent horse racing, fast riding or driving, in the streets, and to punish and stop the abuse of animals; to compel persons to securely hitch or fasten any animal attached to vehicles of any kind while standing or remaining in the street.

24. To provide for sprinkling the streets, avenues, and public grounds.

25. To control, regulate, or prevent the use of steam whistles.

26. To provide the town, or any part thereof, with water; to erect hydrants and pumps; to construct cisterns and reservoirs; to erect, construct, and build, to rent, lease, or buy and own any kind and system of waterworks, or bonds of the same, and to contract for such system of waterworks, and upon a majority, affirmative vote of the qualified voters of the town at an election duly advertised for thirty (30) days in some newspaper published in the town, in favor of same, may issue bonds not to exceed ten thousand (10,000) dollars in value, nor to run for a longer period than twenty (20) years, to buy or pay for, or construct and build said system of waterworks, said bonds not to bear a greater rate of interest than 6 per cent. per annum, nor to be sold for less than par; to issue bonds in the same way, manner, and amount if deemed necessary to own, operate, control, con-

struct, or purchase a system of lighting the town, either gas, electricity, or any other system, the said bonds to be under the same restrictions as above set out for waterworks, and to provide for the redemption of said bonds by creating a sinking fund, or otherwise.

27. To establish and enforce such regulations and restrictions as regards quarantine laws, the cleansing of the town and private property, erection of slaughter houses, nuisances, stables, privies, stock-yards, or pens, ponds, sawdust piles, mud holes, dairies, and any and all other things, businesses and practices as may be regarded by the town council as conducive to the good health, pleasure, and convenience of the town within the corporate limits, or as near as one-half (1-2) mile of same, and to abate and suppress same, if desired.

May enact ordinances.

Sec. 10. The town council shall have, and is hereby, given the power and authority to make all ordinances which it shall deem necessary and proper for carrying into execution the powers specified in this act, and to adequately and fully punish violations of said ordinances, and to make all ordinances it may deem necessary for the good order, health, good government, and general welfare of the town, and also for the protection and preservation of any town property, privileges, and franchises, and to enforce the same and all other ordinances by proper fine, imprisonment, or other penalty or penalties.

Employ clerks, etc.

Sec. 11. The town council shall have power to employ and pay such clerks or other persons as the exigencies of the public services may demand.

Franchises limited.

Sec. 12. All franchises and privileges granted by the town of Dyer, to corporations or individuals, shall be limited to twenty (20) years from the granting of the same.

ARTICLE III.—EXECUTIVE DEPARTMENT.

Section 1. The executive power of the town shall be vested in a mayor and marshal, together with such other officers and police as the mayor may see fit to appoint from time to time.

Sec. 2. The mayor shall be the chief executive officer of the town.

Sec. 3. The mayor shall, from time to time, give the town council information relative to the condition of the corporation, and shall recommend to its consideration such measures as he may think expedient for the interest of the town. He shall take care that the laws of the state and the ordinances of the town are respected and enforced within the town, and may remit, either wholly or in part, fines, costs, forfeitures, and penalties imposed for the violation of any ordinance, but shall make a report of such remissions to the town council at the next session thereof. He shall preside at all meetings of the town council, and participate in all business coming before the same.

Mayor to recommend measures; enforce ordinances, etc

Sec. 4. The mayor is hereby empowered to call upon every male inhabitant of the town over the age of eighteen years, to aid in enforcing the laws and ordinances, in preventing and extinguishing fires, in preserving the peace and safety of the town. Any male inhabitant of the town over the age of eighteen years, who shall be called upon by the mayor for any of the purposes stated in this section, and shall refuse or wilfully neglect to obey such call or order, shall, on conviction thereof, be fined in a sum of not less than five dollars, nor more than one hundred dollars.

May call in aid; fine for refusal.

Sec. 5. The mayor shall have power, whenever he shall deem it necessary, to require any officer of the town to exhibit his books and papers, and refusal by any officer when so required to exhibit the books and papers of his office shall be deemed a forfeiture and abandonment of said office.

May require officer to exhibit books.

Sec. 6. The mayor shall have power, and it is hereby made his duty, to perform all acts that may be required of him by any ordinance duly enacted.

Sec. 7. In case of a temporary vacancy in the office of mayor, or in case the mayor shall, for any reason, be temporarily unable to perform the duties of the office, the town council shall elect one of their members to act as mayor. But should the office of mayor, or any other elective office become permanently vacant, the town council shall, within sixty days, call an election to fill such vacancy or vacancies,

Mayor pro tem; permanent vacancy.

and the election to be held the same as the regular biennial election.

Bonds, etc.,
signed by
mayor; pro-
cess.

Sec. 8. All bonds, contracts, and other instruments requiring the assent of the town shall be signed by the mayor or acting mayor, and all legal process against the town shall be served upon the mayor or acting mayor.

Salary.

Sec. 9. The first mayor elected hereunder shall receive as compensation for his services twenty-five dollars per year during his first term. Thereafter, the mayor shall receive such salary as the town council, immediately preceding his election, shall fix by ordinance, as hereinafter provided.

Recorder to re-
ceive and to
pay out money.

Sec. 10. It shall be the duty of the recorder to receive, receipt for, and keep the money of the town, and to deposit it in the depository selected by the town council as a depository for said funds, and pay out the same only on warrants drawn by order of the town council, signed by the mayor under the seal of the corporation.

Depository of
funds; bond.

Sec. 11. The town council shall annually select a person, bank, or banking institution in the town of Dyer as a depository of the town funds; Provided, however, That before any deposit shall be made with any such person, or in any such bank or banking institution selected, the said person, bank, or banking institution shall give a bond fixed by the town council in whatever sum it may see proper, with good and sufficient sureties, to be approved by the town council, for the safe keeping and prompt payment of said funds, or any part thereof, when demanded by the town council.

Recorder's
bond.

Sec. 12 The recorder shall give bond to the town in a sum fixed by the town council, with sufficient sureties to be approved by the same, conditioned for the faithful performance of the duties of his office, and to pay over to his successor in office all such sums of money belonging to the town as shall be in his hands, and to account for and turn over to such successor all town property which may come into his hands.

Salary.

Sec. 13. The recorder shall receive such salary as shall be fixed by the town council. He shall be elected from the town at large.

Sec. 14. The recorder, in addition to the duties hereinbefore provided, shall attend all meetings of the town council, and keep a true, full and complete record of the proceedings of such meetings. The recorder shall have the custody of the corporate seal, the public records, the original rolls of ordinances of the town council, all original contracts, deeds, and certificates relative to the title of any property of the town, all official, indemnity, or security bonds, except his own bond, and such other records, papers, and documents of value as are not required to be deposited with any other officer; he shall attest all public instruments or official acts of the mayor by his signature, and the seal of the town, and shall also certify under his hand and the seal of the town all copies of such original documents, records, and papers in his office as may be required by any officer or person, and charge therefor to individuals such fees for the use of the town as may be provided by ordinance.

Recorder to keep minutes, have custody of public papers, attest instruments, etc.

Sec. 15. The recorder and all officers charged with the collection and custody of money, shall, on the first (1) Wednesday in June, September, December, and March, in each year, make to the town council a full and detailed statement under oath of all their accounts, which shall show all money received from whatever source, and from whom and what for, and all moneys paid out, to whom, and when, and for what purpose; and the recorder shall, in his regular quarterly report on the first (1) Wednesday in June, each year, make a statement of all moneys received and expended, and from what sources received, and for what expended, for the year then ending, and a copy or summary of said report shall be published in a newspaper of the town which the town council may select.

Reports as to finances.

ARTICLE IV.—ELECTIONS AND APPOINTMENTS.

Section 1. On the first (1) Saturday in June, 1899, every two years thereafter, an election shall be by the qualified electors of the town of Dyer, the election of a mayor, marshal, recorder, and

Elective officers; term.

two aldermen from each ward. The officers so elected shall hold their offices for the term of two (2) years and one month from the first (1) Saturday in June, 1899, till the first Saturday in July, 1901, and till their successors are duly elected and qualified, and thereafter from the first (1) Saturday in July each two years successively.

First election.

Sec. 2. The first election held hereunder shall be held by the sheriff of Gibson county, Tennessee, or his legally appointed deputy, who may call to his assistance five (5) citizens of the town of Dyer, three (3) for judges, and two (2) for clerks, and said election shall be held under the laws in force for holding the elections of state officers, so far as the same is applicable, and after said vote is canvassed by the judges, the sheriff shall issue certificate of election to such officers as a majority of said judges shall declare elected to the respective offices. The manner of holding the subsequent elections after the first hereunder shall be determined by the town council, as well as the manner of issuing certificates of election, etc.

Qualified voters.

Sec. 3. All persons who are qualified voters under the general laws of the state, and who reside within the corporate limits, shall be qualified voters under this act, in all elections held by the town of Dyer.

General election laws apply.

Sec. 4. The general election laws of the state, together with all the requirements, restrictions, and punishments for violations of same shall apply and govern in all elections held in the town of Dyer.

Tie vote.

Sec. 5. Should there be a tie vote for the candidates for any office to be voted for hereunder, the same may be decided by such means as the town council may determine by resolution.

Vacancies.

Sec. 6. Should a temporary vacancy occur in any office provided for herein, except that of mayor, the mayor may fill same by appointment, and should same occur in mayor's office, the aldermen may fill same by election from their number. Should a permanent vacancy occur in any elective office provided herein, the same shall be filled by a special election to be held as in a general election by the town council or a majority of same.

Sec. 7. All officers, elective and appointive

have been a resident of the town for ninety (90) days prior to the election or appointment, and shall reside in the town during the term of office, and if elected from and for a particular ward, shall reside in said ward during the term of office, and removal from the town, or ward, respectively, shall vacate the office, and same shall be filled as provided above. The mayor, marshal, and recorder shall each be elected from the town at large, and two aldermen from each ward.

Who eligible to office.

ARTICLE V.—OFFICIAL OATHS, PENALTIES AND BONDS.

Section 1. Each officer elected or appointed shall before assuming the duties of the office, take and subscribe before some justice of the peace for the State of Tennessee and Gibson county, an oath to support the constitution of the United States, and of the State of Tennessee, and to faithfully perform all the duties imposed upon him by law and by this charter and the ordinances of the town of Dyer, and the person taking said oath falsely, or violating the same, shall be guilty of perjury, and may be punished for same, as provided by the general laws of the state for the punishment of the crime of perjury.

Sec. 2. Each officer of the town of Dyer, except the mayor, whose official bond is not prescribed by this act, may be required by the town council to give such official bonds with such conditions, penalties, and sureties as the said council may deem necessary, and from time to time, declare by ordinance or resolution.

ARTICLE VI.—FINANCE AND TAXATION.

Section 1. The town council shall have, and is hereby given, the power and authority to levy taxes for corporate purposes upon all taxable property, real, personal, and mixed, within the limits of the town, not exceeding in the total levy for all general purposes in any year two (2) per cent. of the total assessment of said property for corporate purposes for

Corporate and school tax.

said ordinance shall specify the purpose for which said bonds were issued, and shall also provide for a levy upon the taxable property in the town sufficient to pay the annual interest thereon, and to pay the bonds within the time at which they become due, which shall not be for a longer period than twenty (20) years, and no ordinance shall be passed issuing bonds for individuals until there shall have been held an election by the qualified voters of the town, and after due notice by publication in a newspaper published in the town for thirty (30) days, and two-thirds (2-3) of those voting shall vote in favor of such issuance of bonds for said indebtedness.

Sec. 5. Whenever the town council shall, by ordinance, establish, open, widen, or alter any street, lane, or alley, or sidewalk, or other public grounds, and it becomes necessary to take private property for same, and agreement can be made with the owner thereof, the town of Dyer shall make just compensation therefor to the person from whom such property is taken, the amount to be ascertained in the manner prescribed by general law.

Condemnation of property.

ARTICLE VII.—TOWN COURT OF DYER.

Section 1. The recorder shall have the power, and is hereby vested with full authority, to try all offenses for the violation of the ordinances and by-laws of said town of Dyer, and he is hereby vested with concurrent jurisdiction with justices of the peace in all civil and criminal cases, arising under the laws of Tennessee, and to such fees, or salary, or both, as may be provided for by ordinance in all actions arising under the ordinances or by-laws of said town of Dyer.

Recorder's jurisdiction; fees.

Sec. 2. The practice and proceedings before said court in civil and criminal cases arising under the laws of the state shall be those prescribed by justice of the peace and for all actions arising under the ordinances of the town, such rules of practice may obtain as may be prescribed by ordinance, and in the event no such rules are so prescribed, then the rules of practice in civil cases under the general laws of the state shall obtain and control.

Practice in town court.

Mayor may sit,
when; docket.

Sec. 3. In the event of disqualification or inability from whatever cases brought or to be brought before him, the mayor may try said causes, and for said purpose he is hereby clothed with all the necessary powers and authority to fully, legally, and completely perform said duties as could the recorder if he were not disqualified; shall receive the same fees, etc. The recorder shall keep a suitable and well bound docket, such as is required by law to be kept by justices of the peace, and shall truly and duly record in same all the cases tried by him, and his judgment therein, together with dates, parties, returns of proceeds, officers, and such other items as may be necessary to give a full history of the cause and its determination.

Appeals.

Sec. 4. In all cases tried by the recorder, or other persons, within the town of Dyer is a party, neither party shall appeal from the decision of the said case or cases upon the pauper oath, but appellant, upon appeal to a court of appellate jurisdiction, be required to execute a bond with solvent security in such sum as is now fixed by the general law of the state in cases of appeal.

Counsel may be
employed for
town.

Sec. 5. In all cases wherein the town of Dyer is a party in any of the courts of the town, or of the state, or elsewhere, the mayor shall have the power, and he is hereby given the authority, to employ counsel or lawyers to attend to the interests of the town, and any contract so made by the mayor shall be good and binding upon the corporation.

ARTICLE VIII.—POLICE DEPARTMENT.

Section 1. The police department shall consist of a marshal, who shall be ex officio chief of police, and as many policemen as it is necessary to have from time to time to execute the ordinances of the town council, preserve the peace and health of the town; said policemen are to be appointed by the mayor when exigencies or occasions require same, to serve for a period not to exceed ten days.

Salary.

Sec. 2. The salary of the marshal and policemen shall be regulated by ordinance of the town council.

and neither the marshal nor any policeman shall be entitled to any other compensation for services rendered the town during their services or employment on the police force.

Sec. 3. The duties of the marshal and policemen, which shall be under the direction of the mayor, are Duties. to suppress all riots, disturbances, and breaches of the peace; to apprehend any and all persons in the act of committing an offense against the laws of the state and the ordinances of the town, and to arrest such party or parties and bring same before the recorder for examination, and said marshal or policeman may upon view arrest any person or persons without warrant who may be guilty of a breach of the ordinances of the town or the laws of the state, and are hereby empowered to serve all process issued by the recorder or by any justice of the peace in criminal matters within the limits of the town.

Sec. 4. The marshal and all policemen are hereby authorized, either within or outside of the town of Process. Dyer, to serve any and all processes which may be issued by any court in any proceedings instituted for the enforcement of any town ordinance or punishment for violation thereof or for the collection of any fine or forfeiture which may be incurred under the provisions of this act or the town ordinances; and said marshal shall be fully clothed with power and authority to perform all duties pertaining to his office, and he is hereby clothed and vested with all the power, authority, rights, privileges, and immunities of a constable of Gibson county, Tenn., duly elected under the general laws of the state.

ARTICLE IX.—MISCELLANEOUS PROVISIONS.

Section 1. The town of Dyer shall not be liable to anyone for damages for personal injuries unless the Personal injuries. person injured, or some one for him, shall, within 30) thirty days after receiving said injury, notify the mayor in writing of such injury, when, how, and where said injury was received and occurred, and the extent of same.

Bonds, etc.,
signed and
attested.

Sec. 2. All bonds, contracts, and agreements of the corporation shall be signed by the mayor, and attested by the recorder with the seal of the corporation, and shall be taken in all courts as a full compliance with the law in such cases. All acts and parts of acts inconsistent with this act are hereby repealed.

This a public
act.

Sec. 3. This act is hereby declared to be a public act, and may be read as evidence in all courts of the state without proof.

Sec. 4. This act shall take effect from and after its passage, the public welfare requiring it.

Passed April 17, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 21, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 268.

HOUSE BILL No. 343.

AN ACT to amend an act entitled "An act to incorporate the city of Harriman," being chapter 49 of the Acts of 1891, so as to provide for all legislative power in said incorporation to be vested in a board of aldermen, instead of a board of aldermen and a board of supervisors, for the election of officers, to provide for the collection of delinquent taxes, for issuing bonds to build and repair school property, to regulate the granting of franchises, and for the creation of a water and light commission.

May be divided
into wards.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That section 4 of article of chapter 49 of the Acts of 1891, passed March 12d, and approved March 6th, following, be amended so as to read as follows: The city council may divide the city into wards, not exceeding thirteen in number and define their boundaries by ordinance, and m

from time to time alter the same, provided that no ward shall be changed within one year preceding the biennial election hereinafter provided for; And provided further, That until said city is divided into wards, six aldermen shall be elected from the city at large.

ARTICLE II.—LEGISLATIVE DEPARTMENT.

Section 1. Be it further enacted, That section 1 of article 2 be amended so as to read as follows: The legislative power of the city of Harriman shall be vested in a city council, consisting of a board of aldermen, with the mayor as presiding officer; the aldermen to be elected one from each ward, provided said city is laid out in wards; if not, then six aldermen to be elected from the city at large. City council.

Sec. 2. Be it further enacted, That section 3 of article 2 be amended so as to read as follows: The board of aldermen shall appoint one of its members to preside in the absence of the mayor. The official designation of such member so appointed shall be mayor pro tem, and shall hold his office for a term of two years, and shall perform the duties of the mayor when he shall be absent, or otherwise unable to perform the duties of his office. The board of aldermen shall be the sole judge of the qualification, election, and returns of its own members, and shall have power to determine the rules of its own proceedings, punish its members for disorderly conduct, and with the concurrence of two-thirds of all members elect, expel a member. A majority of the board shall constitute a quorum to do business, but a smaller number may adjourn from time to time, and may compel the attendance of absent members in such manner and under such penalties as the board may provide. Mayor pro tem.; board to judge as to election, etc., of its members; quorum.

Sec. 3. Be it further enacted, That section 4 of article 2 be amended so as to read as follows: A Journal of the proceedings of the city council shall be kept by the city clerk, upon which shall be entered the vote taken in the city council by yeas and nays, and no action, except to adjourn, shall have any force or validity, unless a majority of all the members elect shall have voted in favor thereof. Journal; majority vote required.

Regular and
special
meetings.

Sec. 4. Be it further enacted, That section 5 of article 2 be amended so as to read as follows: The city council shall hold a regular meeting once each month at the city hall. Special meetings of the city council may be held upon the call of the mayor, or upon application of a majority of the board of aldermen, by causing proper notice in writing to be served upon the members thereof.

Absence of
member; for-
feiture.

Sec. 5. Be it further enacted, That section 6 of article 2 be amended so as to read as follows: If a member of the board of aldermen shall be absent from any regular meeting without leave, he shall forfeit and pay such sums as the city council shall direct for every such absence, and the journal record of the roll call shall be conclusive upon the question of presence or absence.

Passage of
ordinances.

Sec. 6. Be it further enacted, That section 9 of article 2 be amended so as to read as follows: No ordinance shall be passed except by bill. Every bill shall be read at least twice before a vote is taken upon its final passage, and at least three days must intervene between its first and second reading. No bill shall be considered until the same shall have been reported upon by a committee, unless the city council by a vote of two-thirds of all the members present shall dispense with such reference and report.

Sec. 10, art. 2,
repealed.

Sec. 7. Be it further enacted, That section 10 of article 2 be, and the same is hereby, repealed.

Bill reconsid-
ered at once.

Sec. 8. Be it further enacted, That section 11 of article 2 be amended so as to read as follows: When a bill is put upon its final passage, and fails to pass, if a motion is made to reconsider the vote by which it was defeated, the vote upon such motion to reconsider shall be immediately taken, and the subject finally disposed of before the city council proceeds to any other business.

Sec. 12, art. 2,
repealed.

Sec. 9. Be it further enacted, That section 12 of article 2 be, and the same is hereby, repealed.

Approval or
veto by mayor;
passage over
veto.

Sec. 10. Be it further enacted, That section 14 of article 2 be amended so as to read as follows: Every resolution adopted or contract approved by the city council appropriating or involving the expenditure of money, and every bill passed, shall, within twenty-four hours after the action of the city council, be f

sented to the mayor for his approval. If he approves the resolution, contract, or bill, as the case may be, he shall sign the same; if not, he shall return it with his objections in writing to the city clerk, who shall present the same to the city council at the next regular meeting thereof. The city council shall cause the objections of the mayor to be entered at large upon the journal, and proceed forthwith to consider the questions pending, which shall be in this form: "Shall the bill, contract, or resolution, as the case may be, pass, notwithstanding the objections of the mayor thereto?" If three-fourths of the members elected vote in the affirmative, the bill or resolution shall be deposited in the office of city clerk, as an authentic act, and shall be valid or become an ordinance in the same manner and with like effect as if it had received the approval of the mayor. If the mayor shall fail for ten days to return to the city council any bill, contract, or resolution presented to him for his approval, as aforesaid, and in case he fails to approve same in said time, it shall be equivalent to his veto.

Sec. 11. Be it further enacted, That section 15 of article 2 be amended so as to read as follows: The mayor may call, or upon application of a majority of the board of aldermen shall call, special sessions of the city council by causing proper notice in writing to be served upon the members thereof. A copy of the notice thus served upon the members shall be entered upon the journal of the city council. Said notice shall state the object for which said session is called, and the action at said session shall be confined to that object only. Special session of city council.

Sec. 12. Be it further enacted, That section 23 of article 2 be amended so as to read as follows: All franchises or privileges granted by the city of Harriman to corporations or individuals shall be limited to twenty years from the granting of the same, and such franchises or privileges so granted shall plainly specify on what particular street, streets, alleys, or venues the same shall apply, and no franchise or privilege shall be granted by the city of Harriman in general terms, or to apply to the city generally; Provided, however, That no franchise granted by the council shall become a law where (20) twenty As to granting franchises.

per cent. of the legal voters of said city, based on the last city election, petition the city council, within twenty days after the ordinance is published granting same, to submit the proposition of granting the franchise in question to the qualified voters of said city, it shall be the duty of said council to submit said question to a vote, and in an election called for that purpose, should three-fifths of the votes cast be in favor of the granting of the franchise, it shall ratify the action of the city council, but in case the proposition fails to receive three-fifths of the votes cast, it shall annul the action of the city council in the premises; Provided further, That as a condition precedent to the action by the city council on any application for a franchise, the person or persons or corporation applying for same shall deposit with the city treasurer one hundred (\$100) dollars to defray the expenses of the election herein provided for in case one is held; otherwise to be returned to the parties depositing it or any part of the one hundred (\$100) dollars not used for expenses.

ARTICLE III.—EXECUTIVE DEPARTMENT.

Executive
officers: coun-
cil may com-
bine.

Section 1. Be it further enacted, That section 1 of article 3 be amended so as to read as follows: The executive power of the city shall be vested in a mayor, together with a city treasurer, city recorder, marshal, city clerk, city assessor, city engineer, and city attorney, each of whom except the clerk, marshal, and city engineer shall be elected by the qualified electors of said city, and hold their office for a term of two years. The city clerk and city engineer shall be elected by a majority vote of the aldermen, and in case of a tie vote in the election of either of said officers, the mayor shall have the casting vote. The marshal shall be chosen as hereinafter provided. The city council shall have power, in its discretion, combine any two or more of the above offices in a person, except the offices of city clerk and city treasurer, which shall not be held by the same persons and shall fix their compensation at any time previous to their election. The city clerk and city engineer

shall be elected at the first regular meeting of the city council after the biennial election herein provided for, or in any adjourned meeting thereof.

Sec. 2. Be it further enacted, That section 3 of article 3 be amended so as to read as follows: The mayor shall be the presiding officer of the city council, but shall have no vote, except in the case of a tie vote, in the election of officers; the mayor shall, from time to time, give the city council information relative to the condition of the corporation, and shall recommend to its consideration such measures as he may deem expedient for the interests of the city. He shall take care that the laws of the state and the ordinances of the city are respected and enforced within the city, and he may remit either wholly or in part fines, costs, forfeitures, and penalties imposed for the violation of any ordinance, but shall make a report of such remission to the city council at the next session thereof, together with his reasons therefor.

Mayor's duties.

Sec. 3. Be it further enacted, That section 4 of article 3 be amended so as to read as follows: The city council shall have power for cause to remove any person elected to fill an office in said city, and in all cases of examination of charges against any officer or employe of the city, or at the trial of any officer before the city council, the mayor shall be the presiding officer, and shall have the power to administer oaths, to subpoena and compel the attendance of witnesses, and the production of books and papers. It shall require a two-thirds vote of the city council to remove any officer.

Removal of elective officers

Sec. 4. Be it further enacted, That section 5 of article 3 be, and the same is, hereby repealed.

Sec. 5, art. 3, repealed.

Sec. 5. Be it further enacted, That section 9 of article 3 be amended so as to read as follows: Any appointed officer may be removed for cause by vote of two-thirds of all members-elect of the city council. Whenever a vacancy shall occur in any appointed office the mayor shall, with the consent of a majority of the city council, appoint a person to fill such vacancy, and in all other vacancies, except vacancies in the city council, the city council shall elect persons to fill such vacancies.

Removal and vacancies in appointed offices.

Sec. 6. Be it further enacted, That section 10 of

Vacancy in
mayor's office.

article 3 be amended so as to read as follows: In case of a vacancy in the office of mayor, or in case the mayor shall, for any reason, be unable to perform the duties of the office, the mayor pro tem. shall act as mayor, and in case the latter shall be absent from the city, or, for any reason, cannot act as mayor, then the city council shall elect one of its members, who shall act as mayor of said city during the time of the absence or disability of said mayor or mayor pro tem.

Treasurer to
purchase sup-
plies; bids for
same.

Sec. 7. Be it further enacted, That section 20 of article 3 be amended so as to read as follows: The city treasurer shall be the custodian of all the property, both real and personal, belonging to the city. He shall render to the city clerk a complete list of same on or before the first of January of each year. He shall, for and on behalf of the city, purchase all furniture, books, stationery, tools, materials and supplies and all things necessary for the use of the several departments, offices, and employees of the city. In order to effect such purchases said city treasurer shall, as often as once in each year, advertise in one of the papers of the city, for a period of two weeks, for sealed proposals to be made at the time specified in said notice, and said bids shall be opened by the city treasurer in the presence of the mayor and city clerk, and the contracts for the furnishing of the furniture, books, stationery, tools, materials and supplies shall be awarded to the lowest responsible bidders, estimating the bids in detail, and awarding to the respective bidders a contract for the articles only whereon the bid is lower than all other bids offered upon the same article. The aforesaid purchases shall be made only upon a requisition signed by the head of the department of the office requiring the article to be purchased, particularly specifying the article required and approved by the mayor. It shall be the duty of the city treasurer to make monthly report in detail to the city council of all purchases made by him, for what price, and upon whose requisition. Provided, however, That when it may be impracticable to advertise for supplies, books, furniture, tools, stationery, materials or labor, then sealed proposals for the same shall be invited from three respon-

parties dealing in such materials, supplies, or labor, and the bids shall be opened and the contracts awarded in the same manner as hereinbefore provided in this section. All bids shall be in duplicate, one copy filed with the treasurer and one with the clerk; And provided further, That said officers may reject any and all bids so made if they deem them unreasonable and too high.

Sec. 8. Be it further enacted, That section 24 of article 3 be amended so as to read as follows: The city clerk, in addition to the duties hereinbefore provided, shall attend all meetings of the city council, and keep a true, full, and complete record of all the proceedings of such meetings. The city clerk shall have the custody of the city seal, the public records, the original rolls of ordinances of the city council, all original contracts, deeds, and certificates, relative to the title of any property of the city, all official indemnity or security bonds, except his own bond, and such other records, papers, and other documents of value as are not required to be deposited with any other officer; he shall attest all public instruments or official acts of the mayor by his signature and the seal of the city, and shall also certify under his hands and the seal of the city all copies of such original documents, records, and papers in his office as may be required by any officer or person, and charge therefor to individuals such fees for the use of the city as may be provided by ordinance.

City clerk's duties.

Sec. 9. Be it further enacted, That section 25 of article 3 be amended so as to read as follows: Copies of all papers filed in the office of the city clerk, and transcripts of the records of the city council, duly certified by him, under the seal of the city, shall be received as evidence in all the courts of the state. The city clerk shall perform such other duties not inconsistent with the duties imposed by this act, as the city council may, by ordinance, direct.

Copies of papers evidence, when.

Sec. 10. Be it further enacted, That section 28 of article 3 be amended so as to read as follows: There shall be an auditing committee composed of the city clerk and two members of the city council, and every claim against the city shall be passed upon by said committee before the same shall be ordered paid.

Auditing committee.

Attorney's duties.

Sec. 11. Be it further enacted, That section 33 of article 3 be amended so as to read as follows: It shall be the duty of the city attorney to attend to all cases in any court in this state wherein the city may be a party, plaintiff or defendant, or a party in interest; to advise the city council, or any committee thereof, in writing, when required, as to all legal questions that may arise before them; to advise the mayor, and through him all other officers, in relation to their duties; and from time to time to make such reports in relation to the suits in which the city is interested, as may be required by the mayor or the city council, and perform such other duties not inconsistent with the duties imposed by this act, as the city council may, by ordinance, direct.

ARTICLE IV.—ELECTIONS AND APPOINTMENTS.

Biennial election.

Section 1. Be it further enacted, That section 1 of article 4 be amended so as to read as follows: On the first Tuesday after the first Monday in June, A.D. 1899, and every two years thereafter, an election shall be held by the qualified electors of said city of Hariman for the election of a mayor, city treasurer, city recorder, city attorney, city assessor, and the aldermen herein provided for. The officers so elected shall hold their offices for a term of two years from the third Tuesday after the first Monday in June, A.D. 1899, and until their respective successors shall be elected and qualified.

Division of city into wards.

Sec. 2. Be it further enacted, That section 2 of article 4 be amended so as to read as follows: The city council may, at any time after the first election, provide for the election of the aldermen by wards, and for that purpose may have power to divide the city into wards, provided that no division of the city into wards shall be made within one year next preceding any general election for city officers.

Tie vote.

Sec. 3. Be it further enacted, That section 6 of article 4 be amended so as to read as follows: If election of any officer shall fail in consequence of equal number of votes having been cast for two

more persons for the same office, the city council shall cast lots among the persons so voted for, and in such manner as the city council may prescribe by resolution, and the person who shall be successful according to the terms of such resolution in the casting of lots shall be declared elected.

Sec. 4. Be it further enacted, That section 17 of article 4 be amended so as to read as follows: If the election of any city officer shall be contested, the contest shall be heard and determined by the city council, under such rules as the said council shall have previously established for such hearing.

Contested election.

Sec. 5. Be it further enacted, That section 8 of article 4 be amended so as to read as follows: If there shall occur a vacancy in the city council the mayor may, by and with the consent of a majority of the remaining members of the aldermen, fill such vacancy by appointment, and the person so appointed shall hold said office until the next general election.

Vacancy in council.

ARTICLE VI.—FINANCE AND TAXATION.

Section 1. Be it further enacted, That section 2 of article 6 be amended by adding thereto after the last word of said section the following: That all the municipal taxes assessed on real estate in the city of Harriman, both before and after the passage of this act, and all interests, penalties, and costs accruing thereon, are hereby declared to be a lien on said realty, from and after the 10th day of January of the year for which they are assessed, superior to all other liens, except of the State of Tennessee and the county of Roane, for taxes legally assessed thereon, with which it shall be a co-ordinate lien. And also subsections a, b, c, d, e, f, g, h, i, and j, as follows:

Taxes a lien on realty.

Subsection 2a. Be it further enacted, That all the taxes due the city of Harriman, except privileges and merchants' ad valorem taxes, shall be due and payable the first Monday in October of the year for which taxes are assessed, and shall bear interest at six cent. per annum from the first Tuesday of February following. The treasurer shall be the custodian of the tax books, and tax collector of the city. A

When taxes due; enforcement of collection of.

penalty of five per cent. on all taxes remaining unpaid on and after the first Tuesday in February shall be added, and after the first Tuesday in February aforesaid, the tax books in the hands of the treasurer shall have the force and effect of a judgment of a court of record, and the tax statements issued therefrom the force and effect of an execution, and the treasurer shall have the power to levy same upon and sell any property other than real estate belonging to the party against whom the tax is assessed. He shall also have the power to issue distress warrants and alias and pluries distress warrants in the name of the city of Harriman, to enforce the collection of taxes. Such distress warrants, when issued by the treasurer, shall be executed by the marshal of the city, or any assistant marshal or police, or any lawful officer of the state, by a levy upon and sale of the goods and chattels under the same provisions as prescribed by law for the execution of such process from justice of the peace.

Proceedings in
rem.

Subsection 2b. Be it further enacted, That the proceedings under the provisions of this amended act against any realty in the city of Harriman for municipal taxes, interests, penalties, and costs due thereon shall be an action in rem, and it shall not be necessary in order to vest a good and valid title in the purchaser at any sale made hereunder to proceed personally against the person or persons owning the same, but it shall be necessary only that the advertisement of sale hereinafter provided for shall contain a sufficient description of the property to identify same; Provided, That such a description would be sufficient to pass title by deed of conveyance under the existing laws of the State of Tennessee.

Delinquent sale
advertised.

Subsection 2c. Be it further enacted, That as soon as practicable after the first Tuesday in June of the succeeding year after the taxes have been assessed the treasurer shall prepare an accurate description of each tract, lot, or parcel of land upon which any municipal taxes, interests, or costs are unpaid, and he shall proceed to advertise the sale of said delinquent property in some newspaper published in the city of Harriman, once each week, for four consecutive weeks. If no newspaper is published in the city

Harriman, or if the newspaper shall decline to publish same for the legal fees, then such advertisement shall be made by not less than five notices posted in public places in the said city of Harriman. Said advertisements shall be made in the alphabetical order in which the names of owners of said delinquent land appear on the tax books; but it shall not in anywise invalidate any advertisement or sale under same if such alphabetical order is departed from in the making of said advertisement.

Subsection 2d. Be it further enacted, That said sales shall be advertised as near the same time as practicable, but need not all be made at the same time in order to render the sale thereunder good and valid. One general description of heading, stating the time, place, and terms of sale, shall be sufficient in all the delinquencies advertised in any one of the papers, or upon any one notice, posted under the provisions hereof. ^{Same.}

Subsection 2e. Be it further enacted, That the newspaper publishing the said notice of sale shall be allowed not exceeding a fee of forty cents for the first insertion, and twenty cents each for each additional insertion, making one dollar for the entire four weeks, for each lot, tract, or parcel of land advertised; Provided, That where there are two or more contiguous lots or parcels of land, assessed together as one assessment, they shall be advertised in the same manner, and but one fee allowed for such advertisement. Such advertising fee shall be paid by the delinquent taxpayer if paid before the day of sale; if not so paid it shall be paid out of the proceeds of the sale of the particular lot or tract of land advertised under the conditions hereinafter provided. ^{Fee for advertising.}

Subsection 2f. Be it further enacted, That at the place and between the hours of nine a.m. and four p.m., on the day named in said advertisement, the treasurer shall sell the advertised property at public auction for cash, to the highest and best bidder, and out of the proceeds of the sale shall be paid all municipal taxes, interest, penalties, fees and costs accrued thereon, then due and delinquent on said land. The treasurer shall, before offering any tract, lot, or parcel of land for sale, announce the total ^{Sale, manner of.}

amount of taxes, interest, penalties, fees, and costs due thereon, and shall offer to receive bids upon the smallest subdivision thereof, which will produce the amount of said taxes, interest, penalties, fees, and costs, and sell the smallest subdivision of land which will produce a sufficient amount as aforesaid. But if no bid for a sufficient amount, as aforesaid, is received for the subdivision of said land, then the treasurer shall sell the whole tract, lot, or parcel, but no bid shall be accepted for a less sum than the total of the taxes, interests, penalties, fees, and costs accrued thereon. Said sale may continue from day to day, if necessary, or deemed expedient by the treasurer. Should such property sell for more than the amount of the taxes, interest, costs, etc., such excess shall be paid to the owner.

Certificate of
sale; fees.

Subsection 2g. Be it further enacted, That after said sale has been made by the treasurer, he shall execute and deliver to the purchaser of each tract, lot, or parcel of land, a certificate reciting that said purchaser was the highest and best bidder, giving the description of the land, date of sale, and the amount of taxes, interest, penalties, and costs, respectively, for which the land was sold, the total amount thereof, and the amount paid by the purchaser. A fee of fifty cents shall be taxed against each tract or parcel of land advertised for sale for the preparation of said advertisement, and a fee of fifty cents for making sale and executing certificate shall be taxed as a part of the costs against each tract or parcel of land sold, said fees to be turned into the treasury in the same manner as taxes.

Deed to prop-
erty sold.

Subsection 2h. Be it further enacted, That after two years from the date of such sales, unless the property shall have been redeemed, as hereinafter provided, the treasurer shall, upon demand, execute to said purchaser, or his assigns, or legal representative, a deed for the lands bought by said purchaser or purchasers; Provided, That said purchaser shall pay the necessary fees made and provided for the execution of deeds by the law of the state, said fees to be turned into the treasury in the same manner as taxes.

Redemption.

Subsection 2i. Be it further enacted, That at a time within two years from the date of sale of a

property, as hereinbefore provided, the owner or owners of such property, or a judgment creditor of said owner or owners, shall have the right to redeem the same by the payment to the treasurer of the total amount of taxes, interest, penalties, fees, and costs, and such excess over and above this sum, for which said property was sold, with interest at six per cent. per annum from date of sale, which amount shall be by the treasurer paid over to the purchaser of the property, or such amount of same as will refund to the purchaser the amount paid by him, with interest; Provided, however, That said party, or judgment creditor, as the case may be, desiring to redeem his property sold, shall pay all taxes assessed against same from the date of the first sale up to the time he desires to redeem same.

Subsection 2j. Be it further enacted, That in all cases where no bid is received at the sales hereinbefore provided for sufficient to discharge all municipal taxes, interest, penalties, fees, and costs upon said property, the treasurer shall bid the amount of said taxes, interest, penalties, fees and costs upon said property for the city of Harriman, striking the same off to the mayor, to be held by him and successors in office, in trust for the use of the city, and he (the mayor) is hereby authorized to subsequently sell said property, by and with the consent of a majority of the aldermen-elect, at private sale, at the amount of such bid, or more, subject to redemption as in other cases, but the time of redemption to run from said public sale aforesaid. But the city of Harriman shall not be required to pay any advertising fees unless the title shall be vested in the mayor for the use and benefit of the city after the expiration of said two years, as hereinbefore provided. And after the expiration of said time for the redemption of said property, and if it has not been redeemed, the mayor, by, and with the consent of a majority of the aldermen, is authorized to sell said property in bar of the equity of redemption, at either public or private sale, making the same good to the purchaser.

City may bid in, when; private sale.

Sec. 3. Be it further enacted, That section 3 of the 6 be, and the same is hereby, repealed.

4. Be it further enacted, That section 4 of

Board of equal-
ization.

article 6 be amended so as to read as follows: The city council shall constitute a board of equalization for the city of Harriman to equalize tax assessments, and shall have the powers and perform all the duties of the county board of equalization so far as same may apply to city taxes.

ARTICLE VII.—CITY COURT OF HARRIMAN.

City court.

Section 1. Be it further enacted, That section 1 of article 7 be amended so as to read as follows: There is hereby established within and for the city of Harriman a city court, to be presided over by the city recorder, who shall be elected in the manner and at the times provided for in this amended act.

Recorder pro
tem.

Sec. 2. Be it further enacted, That section 4 of article 7 be amended so as to read as follows: In the event the city recorder shall, either from absence or inability to act, be disqualified from sitting in any particular case, the mayor is hereby authorized to appoint a temporary recorder for a definite term or a particular case, and such person shall have all the powers of the recorder for the time or purpose appointed.

ARTICLE VIII.—POLICE DEPARTMENT.

Chief of police
and policemen.

Section 1. Be it further enacted, That section 1 of article 8 be amended so as to read as follows: There shall be a police department in the city of Harriman composed of a marshal, who shall be ex officio chief of police, and who shall be appointed by the mayor, with the consent of a majority of the board of aldermen, and such policemen as shall be appointed by the mayor and board of police, which board shall consist of the mayor and two aldermen, the aldermen to be appointed under such rules and regulations as the city council may adopt. The marshal, or chief of police, shall hold his office for two years, unless soon removed as provided for in this act.

Board of police

Sec. 2. Be it further enacted, That section 2 article 8 be amended so as to read as follows: "

mayor shall be chairman of the board of police, and shall have power to call said board together for the transaction of the business of the said department whenever necessary. The city clerk shall attend all meetings of said board and keep a complete record of their proceedings.

Sec. 3. Be it further enacted, That section 4 of article 8 be amended so as to read as follows: The mayor shall, as soon as practicable after his election, call a session of the city council, and shall at said session nominate, and with due consent and approval of a majority of the aldermen elect, appoint a marshal, who shall be ex officio chief of police, who shall hold his office for a term of two years, and until his successor is appointed and qualified, unless sooner removed as herein provided. The marshal may be removed like any other officer as herein provided, and the mayor may also remove from office the marshal for cause, with the concurrence of a majority of the board of aldermen. The mayor, by virtue of his office, is the head of the police. The policemen shall be appointed by the police board without confirmation, and they shall make all discharges of the policemen, and in any case of appointment or discharge they shall immediately notify the marshal and city clerk in writing, and the marshal shall forthwith notify such policeman of his appointment or discharge. In case of an emergency, when the mayor may deem it necessary to the peace, good order, and health of the city, he may appoint special policemen for a specified time.

Marshal appointed; term; removal; appointment of policemen.

Sec. 4. Be it further enacted, That section 5 of article 8 be amended so as to read as follows: The number of policemen, the salary to which they shall be entitled, and the salary of the marshal or chief of police, shall be regulated by ordinance, and neither the marshal or any of the policemen shall be entitled to any other compensation for services rendered the city during their employment on the police force; Provided however, That the city council, by ordinance, may direct, in lieu of salary to such marshal policeman, the fees allowed sheriffs and constables the state law for the service and execution of process; Provided further, That in case salary is

Number, salary, etc., of police.

given, said fees shall be collected and turned into the city treasury.

ARTICLE X.—HEALTH DEPARTMENT.

Board of health Section 1. Be it further enacted, That section 1 of article 10 be amended so as to read as follows: There shall be a health department in the city of Harriman. The board of health shall be composed of the mayor, who shall be chairman, the marshal or chief of police, and a health commissioner. The mayor shall appoint the health commissioner by and with the consent of a majority of the aldermen.

ARTICLE XI.—SCHOOLS.

Election as to raising fund for building school houses. Section 1. Be it further enacted, That section 3 of article 11 be amended so as to read as follows: Whenever the board of school directors of the city of Harriman shall desire to raise money for the building of school houses, or improving or repairing the same, they shall report to the city council the amount of money required, the purpose for which it is wanted, and the city council shall then by ordinance provide for submitting the question of whether such amount shall be raised by taxation or by the issuing of interest bearing bonds, to the qualified voters of the city, and if three-fourths of the qualified voters of such city, voting at such election, shall vote for raising such sum by taxation, or by issuing interest bearing bonds, the tax levy shall be made or the bonds issued, as the case may be, in the manner and on the conditions named in the propositions voted upon. Should such bonds be voted and issued, it shall be under the terms and conditions as set out in section 6 of article 6 of said act.

ARTICLE XII.—WATER AND LIGHT COMMISSIONERS.

Section 1. Be it further enacted, That a board water and light commissioners for said city is her

created and established, to be composed of three members, who shall have control of the water and light plants and business management of said plants under such rules and regulations as may be prescribed by ordinance. Said commissioners shall be elected by the city council at the first regular meeting of same in the month of July, 1899, one for a term of one year, one for a term of two years, and one for a term of three years, and at the regular July meeting of said council in each and every year thereafter it shall elect one member for said board for a term of three years. In case of a vacancy in said commission, it shall be the duty of the city council to elect a person to fill said vacancy, who will serve out the unexpired term.

Elected by
council.

GENERAL.

Section 1. Be it further enacted, That this amended act is hereby declared to be a public act, and may be read in evidence in all the courts of law and equity within this state without proof.

This a public
act.

Sec. 2. Be it further enacted, That all of chapter 49 of the Acts of 1891, being the act incorporating said city of Harriman, in conflict with this amended act, is hereby repealed, and that this act take effect from and after June 1, 1899, the public welfare requiring it.

Passed April 4, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 19, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 269.

SENATE BILL No. 566.

AN ACT authorizing the county court of Bradley county, Tennessee, to issue bonds for the improvement of certain public roads in said county, and to repeal all laws in conflict with this act.

May issue
bonds to im-
prove certain
roads.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the county court of Bradley county, Tennessee, a majority of the justices of the peace of said court being present and voting therefor, be, and are hereby, authorized and empowered to issue bonds of said county, not to exceed (\$100,000) one hundred thousand dollars for the purpose of improving the following named public roads of said county, to wit: The public road leading from Cleveland to Charleston; the public road leading from Cleveland to Benton, to Polk county line; the public road leading from Cleveland to Georgetown, to Meigs county line; the public road leading from Cleveland to Red Clay, Ga.; the public road leading from Cleveland to Spring Place, Ga., to Georgia line; the public road leading from Cleveland to Harrison, to James county line; and the public road leading from Cleveland to Chattanooga, to James county line.

Commission-
ers; survey,
etc.; cost;
damages.

Sec. 2. Be it further enacted, That the county court may elect or appoint three commissioners authorized to employ engineers and other necessary expert service to survey, inspect, or change and classify these roads and make maps and charts showing the changes and improvements which the public interest requires to be made on said roads; said improvements to include grading, filling, metaling, ditching, widening, bridging, draining, piping, and other necessary improvements in constructing said roads, and said commissioners shall ascertain and report in detail the probable or approximate cost of making said improvements, together with probable damages which will be done adjacent lands by such changes.

Sec. 3. Be it further enacted, That said commissioners shall make a full report of their acts and recommendations to the county court at its regular quarterly session, attaching thereto maps, charts, plans, and specifications itemized and showing in detail the estimated cost of the proposed improvements. Commission to report.

Sec. 4. Be it further enacted, That when the report of the commissioner is submitted to the county court, the court shall take a vote thereon, and if a majority of the justices vote for adopting the report of the commissioners, the same shall be entered on record upon the minutes of the court. Vote on report

Sec. 5. Be it further enacted, That thereupon the county court shall order an issue of the bonds of the county in denominations of not more than \$1,000 each, payable in series as follows: \$10,000 in five years from date of issue; \$10,000 in ten years from date of issue; \$15,000 in fifteen years from date of issue; \$15,000 in twenty years from date of issue; \$25,000 in twenty-five years from date of issue; and \$25,000 in thirty years from date of issue, with interest coupons attached, payable semiannually, and the bonds shall not bear a greater rate of interest than five per cent. per annum. Said bonds and interest coupons to be made payable at the Cleveland National Bank, Cleveland, Tennessee, or if the purchaser so desire said bonds may be made payable at the Importer and Traders National Bank, New York, New York. Amount, etc., of bonds.

Sec. 6. Be it further enacted, That when the financial arrangements shall have been made, the county court shall elect or appoint three commissioners, who shall advertise for bids for said work as a whole or in sections or parts, and give the same to the lowest responsible bidder or bidders, but no bid shall be accepted which is higher than the estimated price or worth named in said report of the commissioners as adopted by the county court; and said commissioners may employ engineers or other necessary aid to supervise and superintend the work. All work shall be done subject to the inspection of the commissioners or engineers or assistants appointed by them. The work done according to the specifications laid down shall be approved and accepted by the commissioners, and Work let on bid

work not up to the specifications shall be disapproved and rejected by the commissioners.

Fund kept separate; surplus; bond of trustee; how work paid for; bonds of contractors; report.

Sec. 7. Be it further enacted, That the proceeds of the bonds issued for said road improvements shall be paid into the county treasury as a special fund, to be kept separate and apart from all other accounts until the purposes for which the funds were raised are complete. If after the completion of the improvements, for which the funds were raised, there remains a surplus, this may, by order of the county court, be turned over to the road funds of the county. The county trustee shall give special bond for this fund and pay the same out upon the estimates of the commissioners by order and warrant of the chairman of the county court for same, from time to time, as the work progresses, except twenty per cent. of the estimates shall be retained in hands of the trustee to secure the full performance of contracts, which shall not be paid until the work is completed and accepted by the commissioners. The commissioners shall require good and solvent bonds of all contractors, and said bonds shall also be approved by the chairman of the county court for the compliance of all contracts made for improving and constructing said roads. The commissioners shall make reports to the county court at each quarterly term, showing the progress of such improvements, giving details, and at completion of the work shall make final report to the court touching all of said roads.

Interest and sinking fund.

Sec. 8. Be it further enacted, That the county court shall include in its tax assessment sufficient amount to meet the interest on said bonds and provide for a sinking fund for the payment of the same. Said bonds shall not be sold for less than par, and the same, with interest, shall be payable in lawful money of the United States.

Sec. 9. Be it further enacted, That chapter 159 of the Acts of 1897, entitled "An act authorizing the county court of Bradley county, Tennessee, to issue bonds for the improvement of certain public roads said county," and that senate bill No. 203, entitled "An act to amend an act authorizing the county court of Bradley county, Tennessee, to issue bonds for improvement of certain public roads in said county,"

be, and the same are hereby, in all things repealed, and that all other acts, and parts of acts, upon the subject of authorizing the county court of Bradley county, Tennessee, to issue bonds for the improvement of certain public roads in said county in conflict with the provisions of this act be, and the same are hereby, repealed.

Sec. 10. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 17, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved April 19, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 270.

SENATE BILL No. 675.

AN ACT to authorize the closing of the ticket office at depot on line of Nashville, Chattanooga & St. Louis Railroad Company at Florence Station, in Rutherford county, on Sundays.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the Nashville, Chattanooga & St. Louis Railroad Company is hereby authorized to close on Sundays the ticket office on the line of its road at Florence Station, in Rutherford county.

Sec. 2. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 21, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved April 22, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 271.

SENATE BILL No. 453.

AN ACT to define and enlarge the powers and duties of the district attorney-general of the state.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That all criminal cases removed from a state court to any inferior federal court shall be prosecuted in the federal court by the district attorney of the state court from which the particular case was removed.

Sec. 2. Be it further enacted, That it shall be the duty of the district attorneys to co-operate and assist upon the request or direction of the attorney-general for the state in the bringing, prosecution, defense, preparation, and trial of all cases in the circuit and chancery courts in which the attorney-general of the state is now or may hereafter be required to appear for the protection of the state or the public interest.

Sec. 3. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 22, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved April 22, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 272.

SENATE BILL No. 641.

AN ACT to better preserve the records of the offices
of county registers.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That it shall be the duty of all county registers of this state to have the books of their offices rebound or copied when, in their judgment, they are so worn or mutilated as to need rebinding or copying. The county courts of the different counties to make the necessary appropriations to defray the expenses of the same; "Provided, the compensation to be paid for transcribing and indexing and verifying said records so copied shall not exceed ten cents for 100 words, in the discretion of the county court."

Sec. 2. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 21, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved April 22, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 273.

SENATE BILL No. 691.

AN ACT to authorize incorporated boards of education of public schools in cities and taxing districts of 60,000 inhabitants, or over, according to the federal census of 1890, or any future census, to issue bonds for certain school purposes.

May issue
bonds.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That incorporated boards of education in cities or taxing districts of 60,000 inhabitants, or over, according to the federal census of 1890, or any future census, be, and the same are hereby, invested with power and authority to issue coupon bonds to an amount not exceeding \$30,000, in addition to any bonds heretofore issued by such boards, or any of them; said bonds so authorized to be issued to be for the purpose of providing ways and means for the construction and maintenance of school buildings and grounds, and for other school purposes.

Denomination,
term, interest,
place of pay-
ment, etc.

Sec. 2. Be it further enacted, That the bonds authorized by this act shall be issued in denominations of \$500 each, made payable twenty years from and after date, bearing a rate of interest not exceeding in amount 4 1-2 per cent. per annum, and payable in lawful money of the United States, and at such place as such boards of education may fix and determine, the form of said bonds to be fixed and prescribed by such boards of education.

Trust deed to
secure bonds.

Sec. 3. Be it further enacted, That said boards of education, and each of them, are hereby authorized and empowered to secure the payment of each and all of said bonds and coupons authorized by this act to be issued, ratably, and without preference, by a mortgage or trust deed upon any and all the real estate and buildings thereon, the property of said board of education, and said mortgages or trust deeds to contain such terms and provisions as said boards

education, or any of them so issuing said bonds, may deem most expedient and best, not inconsistent with this act.

Sec. 4. Be it further enacted, That the boards of education so issuing said bonds under this act are given the irrepealable power and authority, and are directed to pay the interest evidenced by the coupons upon said bonds as they severally mature, from and out of the taxes hereinafter authorized and directed to be levied and collected for this purpose, and said taxes shall be used for this specific purpose and for none other.

Interest, from
what fund paid

Sec. 5. Be it further enacted, That the legislative council, or other governing agency of said cities and taxing districts, are hereby given the irrepealable power and authority, and are directed, in addition to the taxes levied by them for the maintenance of said schools, or the payment of bonds heretofore issued by said school boards, and now outstanding, to annually levy a tax sufficient to pay the interest on said bonds authorized to be issued by this act, as the same matures, and to create a sinking fund sufficient to pay the principal of said bonds at their maturity.

Interest and
sinking fund
tax.

Sec. 6. Be it further enacted, That the said sinking fund directed by this act shall be held and invested by the fire and police commissioners, or other governing agency of said cities and taxing districts, or by their corporate successors, either in purchasing and retiring bonds authorized to be issued by this act, or by investing said sinking fund in other public securities as in their judgment may seem best for the safe preservation of said fund until said bonds mature, when they shall use said sinking fund and all accumulations thereof in payment of the principal of said bonds.

Sinking fund,
how invested.

Sec. 7. Be it further enacted, That said boards of education issuing bonds under this act shall cause to be prepared a register of said bonds and coupons, showing their date, amount, and the disposition made same, and make report thereon at the time of making their general report, for which service no compensation shall be allowed.

Register
of bonds.

Sec. 8. Be it further enacted, That this act take

effect from and after its passage, the public welfare requiring it.

Passed April 21, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved April 22, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 274.

SENATE BILL No. 404.

AN ACT to limit the time in which suits may be brought against any municipal corporation to recover the state or county privilege tax on litigation in cases tried before a mayor's or recorder's court, or any police court of such corporation, and to authorize the dismissal of such suits now pending.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That no suit shall be brought against any municipal corporation to recover the state or county privilege tax on litigation in cases tried before the mayor's, recorder's, or any police court of such corporation prior to July 25, 1895, when such privilege tax has not been specifically taxed in the bill of costs, and a sufficient amount of money has not been paid to satisfy the fine and costs other than the privilege tax in such cases.

Sec. 2. Be it further enacted, That it shall be the duty of any court in which such suit is pending when this statute is pleaded, and where the truth of the plea is made to appear to the satisfaction of the court.

dismiss the cause, and this act shall apply to any suit now pending or hereafter to be brought; and that this act shall take effect from and after its passage, the public welfare requiring it.

Passed April 22, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved April 22, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 275.

SENATE BILL No. 303.

AN ACT to allow time after adjournment of court for preparation of bills of exceptions.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That in all cases of appeal, and appeal in nature of writ of error from the circuit and chancery courts to the supreme court, the judge or chancellor may, in his discretion, allow the parties time in which to prepare and file the bill of exceptions, not to exceed thirty days from and after the adjournment of the court.

Sec. 2. Be it further enacted, That bills of exceptions signed by the court, and filed under section 1 of this act, after the adjournment of the court for the term, shall be made and become a part of the record of the cause in which it may be filed as fully and to all intents and purposes as if signed by the court and filed before the adjournment of the court.

Sec. 3. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 22, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved April 22, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 276.

SENATE BILL No. 194.

AN ACT to regulate the taking of depositions in shorthand or typewriting.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That persons authorized to take depositions may take them in shorthand, and subsequently reduce the same to manuscript or typewriting, or may take them directly on typewriting machine; Provided, That in case the deposition be taken in shorthand, the person taking it can truthfully certify, and does certify substantially, as follows: "I certify that being a stenographer, I took the foregoing deposition in the exact language of the witness and reduced it to typewriting (or manuscript). That it was then read over by the witness in my presence (or was read over by me to the witness), and was approved and signed by him; and I also certify that I am not, in any capacity, in the regular employ of the party in whose behalf this deposition is taken, nor in the regular employ of his attorney; and I certify that I am not interested in the case, nor of kin or counsel to either of the parties, and that I sealed up said deposition and delivered it to ———— (or delivered it to the express office, or put it in the postoffice) without its being out of my possession,

altered after it was taken. No deposition taken under this act shall be signed by the witness until it shall have been reduced to manuscript or typewriting.

Sec. 2. Be it further enacted, That nothing herein shall prevent the taking of depositions by stenographers in the regular employ of the litigant taking the deposition, or his attorney, where the opposite party consents thereto.

Sec. 3. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 21, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved April 22, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 277.

SENATE BILL No. 533.

AN ACT to amend chapter 131, section 1, of an act passed May 10th, 1895, entitled, An act to amend chapter 142, section 9, of an act passed March 19, 1875, entitled, An act to provide for the organization of corporations.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That chapter 131, section 1, of an act passed May 10th, 1895, be, and the same is hereby, so amended as to read: The said corporations shall have the power to purchase land, not exceeding two hundred acres, situated not less than one mile, to be measured by way of the most direct public thoroughfare to said land, from the corporation line, town containing 15,000 inhabitants, not less than one mile and a half, to be measured by the way of the most direct public thoroughfare to said land from

the corporation line of a town containing a greater number of inhabitants, to be used as a cemetery, or a burying-ground forever, to lay the same off in suitable avenues or walks, and embellish with trees, shrubbery and flowers, subdivide the ground into lots suitable for graves, monuments and vaults, and sell the same in such manner as the board of directors may determine, and all lots thus sold to purchasers shall forever be free from attachment by the levy of an execution; Provided, That said population shall be estimated by the last federal census, or any subsequent federal census.

Sec. 2. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 12, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Becomes a law without the signature of the governor, the bill having been in the governor's hands more than five days.

JAMES A. KIRBY,
Chief Clerk of the Senate.

April 24, 1899.

CHAPTER 278.

SENATE BILL No. 133.

AN ACT to incorporate the town of Highland Park, in the county of Hamilton, provide for the election of officers, prescribe their duties, and define the powers of said corporation.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the town of Highland Park, county of Hamilton, and the inhabitants thereof, be, and are hereby, constituted a body polit'

and corporate under and by the name of the town of Highland Park, may sue and be sued, grant, receive, purchase, and hold real estate, mixed and personal property, and dispose of the same for the use and benefit of said town, and may have and use a common seal, and change the same at pleasure. The boundaries of said town hereby incorporated to be as follows, to wit: Beginning on the south side of McCallie avenue and on the east line of the right of way of the Chattanooga Union railway company; thence east along the south side of McCallie avenue to the center of Buckley street; thence along the center of Buckley street to Anderson avenue; thence west along the center of Anderson avenue to Union railway, known as the Sherman Heights line of the Chattanooga Union Railway Company; thence north along the east line of said right of way to the beginning.

Name and
style; may ac-
quire and dis-
pose of prop-
erty; bound-
aries.

Sec. 2. Be it further enacted, That the corporation aforesaid shall have full power and authority:

Powers.

(1) To enact such by-laws and such ordinances as may be proper and necessary to preserve the health, quiet, peace, and good order of the town.

(2) To ascertain and declare the boundaries of streets and alleys, condemn property to open same, and to grant privileges in their use.

(3) To provide for the paving, building, or improving of streets, alleys, sidewalks, bridges, sewers, and drains, and to pave or build sidewalks at the expense of owners of abutting property when they fail or refuse to build the same, but no one shall be compelled to pave or build a sidewalk until the town has first opened and graded the street in front of same; and the mayor and council are hereby empowered to compel the said property owners to make the said improvements by fine, imprisonment, or both, and any expense incurred by the town for work done on sidewalks, which it was the duty of the owners of the abutting property to have done, shall be a lien on the said abutting property superior to everything but taxes, and collectible in the same manner as are unpaid state and county and municipal taxes.

4) To assess property for taxes, or to levy and collect by proper officers, taxes upon all real and per-

sonal property and street tax, polls and privileges taxable under the state law, except as hereafter provided.

(5) To appropriate money and provide for the debts and expenses of the town.

(6) To provide for the organization, regulation, equipment, and maintenance of a fire department.

(7) To provide for the lighting of streets and public buildings.

(8) To provide the town with water by contract, purchase, or the erection of waterworks, either within or without the corporation limits, for corporate purposes.

(9) To regulate and control the rates charged the public and the town by all quasi-public corporations operating within the corporation limits.

(10) To establish a system of free schools, and maintain them by taxation, and to regulate said schools.

(11) To regulate tax or license, or regulate the keeping or going at large of animals within the town, and to impound said animals, and in default of redemption, sell or dispose of same.

(12) To regulate, license, and collect taxes from all businesses, amusements, and exhibitions, which are, or shall be, taxable by the state law, as hereinafter limited.

(13) To provide all necessary buildings for the use of the town.

(14) To establish a police department for the town when necessary; and to impose fines, forfeitures, and penalties for the breach of any ordinance of the town, and to provide for their recovery and appropriation.

(15) To commit any person or persons who may fail or refuse to pay or secure any fine and cost imposed upon them or him, by any ordinance of the town, to the jail or workhouse of said town, until such fine or cost be paid or secured. Every such person committed shall be required to work for the town, his or her health will permit, at such wages and under such regulations as may be established by ordinance; said work to continue until such fine and costs are fully paid, and said corporation may either erect or buy a workhouse and jail within or without its limits or may contract with Hamilton county to be all-

to commit persons to the jail or workhouse of said county, upon such terms as can be agreed upon.

(16) To pass all ordinances not contrary to the constitution and laws of the state that may be necessary and proper to carry out the provisions and full intent and meaning of the object of this incorporation.

OFFICERS.

Sec. 3. Be it further enacted, That the officers of the corporation shall consist of a mayor, four commissioners, one from each ward or district, an auditor, and marshal; ^{Officers; wards.} Provided, however, That the said town of Highland Park is hereby divided into four wards or districts, bounded as follows: District No. 1, bounded by McCallie avenue and Union avenue on the north and south, and by the Belt railway and Locust street on the west and east. District No. 2, by McCallie avenue and Union avenue on the north and south, and Locust street and Buckley street on the west and east. District No. 3, by Union avenue and Anderson avenue on the north and south. and by Locust street and the east boundary of the town on the east and west. District No. 4, by Belt railway and Locust street on the west and east, and Union avenue and Anderson avenue on the north and south.

ELECTIONS.

Sec. 4. Be it further enacted, That within thirty days after the passage of this act, the sheriff of Hamilton county, after giving ten days' previous notice ^{Terms of office, of mayor and councilmen.} through some daily paper published in Chattanooga, Tennessee, shall hold an election in the town of Highland Park, at the usual polling place, for the purpose of electing four persons to serve as councilmen, and one as mayor. The terms of all these officers shall be for two years, but the terms of these first elected shall expire, as follows: That of the mayor on May 1, 1901; that of two councilmen on May 1, 1900, and two on May 1, 1901. The person receiving the largest vote for mayor shall serve as such, and the two

councilmen receiving the highest number of votes to serve as such for the long term, and those receiving the next highest for the short term. Hereafter all elections shall be held on the second Monday in April of each year, when two councilmen shall be elected each year, and a mayor every second year, and said election shall be held and conducted by the mayor and council under proper ordinances and regulations, not in conflict with the constitution and laws of Tennessee.

ELIGIBILITY.

Who eligible:
vacancy.

No person shall be eligible for the office of mayor or councilmen unless he be a citizen of the town of Highland Park, as herein incorporated, and a freeholder or householder of said town, and otherwise qualified to vote for members of the general assembly of Tennessee, and in case of death or removal or resignation of any officer the mayor and council shall have the power to fill said vacancy for the unexpired term.

Judges and
clerks of elec-
tion.

Sec. 5. Be it further enacted, That the sheriff aforesaid shall, previous to holding said election for mayor and councilmen, appoint six respectable citizens of Highland Park, three of whom shall act as judges, and three as clerks of said election, whose duties shall be the same as other clerks and judges of popular elections.

Who may vote.

Sec. 6. Be it further enacted, That all persons living within the limits of said corporation, who would be qualified to vote for members of the general assembly of this state, and persons owning a freehold within the limits of said incorporation, and otherwise entitled to vote, shall be entitled to vote for mayor and councilmen for said corporation.

Certificates of
election.

Sec. 7. Be it further enacted, That within five days after their election, the sheriff, or his deputy holding the election, shall furnish to the mayor and councilmen-elect, certificates of their election, and it shall be the duty of the said officers, upon receiving their certificates, to at once affect an organization, and proceed upon the management and control of the corporate affairs.

Sec. 8. Be it further enacted, That the mayor and councilmen shall, before entering upon their duties as such, take an oath before some justice of the peace of Hamilton county, to support the constitution of the United States and the State of Tennessee, and to faithfully, uprightly, and honestly perform their duties during their term of office. Oath of office.

OFFICER CHOSEN BY BOARD.

Sec. 9. Be it further enacted, That the council shall, immediately on organizing, or as soon as possible thereafter, elect an auditor and a marshal, who shall serve for two years, or for the same term of office as the mayor during whose term they are elected. Auditor and marshal.

MAYOR'S DUTIES.

It shall be the duty of the mayor to preside at all meetings of the council, to see that all ordinances and by-laws of the corporation are enforced, to call special meetings of the council, to make such suggestions, and give such instructions in reference to the action of the council as in his judgment will benefit the corporation, to sign all ordinances, to give orders upon the auditor whenever directed to do so by the council, to employ counsel in behalf of the corporation whenever, in his opinion, the same may be necessary, and to perform all duties incumbent upon the office he occupies.

MAYOR'S COURT.

Sec. 10. Be it further enacted, That a mayor's court is hereby created, over which the mayor shall preside and try all cases of offenses against the by-laws and ordinances of said corporation and the peace and dignity of the town, and to this end the mayor is vested with full power and authority to try all offenses for violation of the ordinances and by-laws of said corporation, and is further vested with con- Jurisdiction; docket; appeal.

current jurisdiction with justices of the peace in all cases of the violation of the criminal laws of the state, or of the ordinances or by-laws of the council of the town within the corporate limits of said town, and for trying state offenses shall be allowed the same fees now allowed to justices of the peace for like services. He shall keep a regular docket in a well-bound book, the same as are kept by justices of the peace, and shall docket every case tried by him, and shall show amount of bills of cost of the same. No appeal shall be allowed from any judgment imposing any fine for the violation of a town ordinance except on the giving of security for the payment of said fine and costs.

Mayor vote on tie; vetoed ordinance, unanimous vote to pass.

Sec. 11. Be it further enacted, That the mayor shall have no vote in the council except on a tie, and no ordinance shall become a law if vetoed by the mayor unless it is passed by the unanimous vote of the council.

Auditor to receive and pay out funds.

Sec. 12. Be it further enacted, That the auditor shall receive, receipt for, and be the custodian of all the money of the town received from any source whatever. He shall receive from the mayor and the marshal all of the taxes, fines, and other money belonging to the town that may come into the hands from all sources, and shall make settlement for same, and pay out all sums ordered paid out by the mayor under the direction of the council, and for this, and for all other purposes, he shall be the bookkeeper of the town, and keep all such books as the council may direct. He shall make as many reports and statements monthly or quarterly as the council may direct. He shall give bond, with good securities, payable to the mayor and council of the town of Highland Park, and in such amount as may be prescribed by ordinances, for the faithful discharge of the duties of his office, and shall perform such other duties as the council may direct. He shall prepare each year, soon as the state and county books are completed, tax book embracing all property, real, personal, & polls, within the corporate limits subject to taxat under the state laws, observing in making said assessments the values fixed by the tax assessor of Hamil county and State of Tennessee. And he is her

Reports; bond; tax books; to collect taxes; issue licenses; keep council minutes; salary.

vested with the powers conferred by law on the collectors of state and county taxes, to collect same, and lands shall be condemned and sold for failure to pay taxes in accordance with the laws of the state for state and county purposes; and the mayor and council shall by ordinance fix the mode of collecting delinquent or back taxes. He shall issue all licenses for privileges, and collect all privileges and ad valorem taxes growing out thereof. He shall keep the minutes of the council. The salary of the auditor shall be fixed by the council by ordinance, but not to exceed in any one year four per cent. of the receipts of his office for the said year.

Sec. 13. Be it further enacted, That the marshal, before entering upon his duties as such, shall give bond with good security, payable to said corporation, in the sum of \$500 for the faithful discharge of the duties of the office, and to account for all moneys collected by him. He shall acquaint himself thoroughly with all the laws and ordinances of the town, and it shall be his duty to rigidly enforce the same, for which purpose police authority is hereby given him, which he may exercise without warrant in hand. He shall have the power to execute state warrants and other processes which constables generally have within the corporate limits, and he shall be entitled to, and receive for such services, the same fees allowed by law for constables in such cases. He shall be chief of any police force or patrol organization within the town. He shall have supervision and control of the work hands on the street if the council so direct, and shall perform such other duties as may be imposed upon him by ordinance. In addition to the fees allowed him above, he shall receive such salary as may be fixed by the council, but not to exceed in any event fifty dollars (\$50) per month.

Marshal: bond;
police officer;
process; con-
trol work
hands; salary.

Sec. 14. Be it further enacted, That the mayor and council shall receive no compensation in excess of \$5 each per annum, except as herein above provided.

Sec. 15. Be it further enacted, That the mayor and council shall have full power and authority to re- move any officer or agent appointed by them for in- competence, or any violation, neglect, or disregard of

Officer may be
removed.

the duties imposed upon them by the ordinances of said corporation.

Town tax levy. Sec. 16. Be it further enacted, That the board shall have the power and authority to levy taxes for town purposes upon all taxable property, real, personal, and mixed, within the limits of the town, not exceeding in the total levy for all general purposes in any one year one per cent. of the total assessment of said property for town purposes for that year. The annual tax levy of the town shall be fixed by the council at some meeting in November, and said taxes when levied shall have all the force and effect given by law to state and county taxes in this state, and shall be payable at the same time and subject to the same penalties.

As to public schools; pupils Sec. 17. Be it further enacted, That the town of Highland Park is hereby created a separate school district, and the public schools of said town shall be managed and controlled by the mayor and council. Said council shall have all the powers and duties conferred by law on district commissioners, directors, and clerks; Provided further, That all residents within the limits of the present school district of Hamilton county, including the territory incorporated into the town of Highland Park, whose children are otherwise entitled to attend the public schools in the said district, shall have the right, with the consent of the school commissioners for said district, to have their children transferred to the school or schools established by the town of Highland Park; Provided, That the school commissioners having charge of the district where said pupils reside shall first pay, or cause to be paid, each year, to the town of Highland Park, the per capita share of the state and county school fund in their hands of each pupil so transferred; Provided further, That each pupil so attending shall first pay, in addition to the above, an amount to be fixed by the mayor and council, not to exceed in any one year a sum equal to the per capita share of the school tax levied by the town of Highland Park for the preceding year, calculated upon the average number of pupils in attendance upon the said school or schools of Highland Park during said preceding year.

Sec. 18. Be it further enacted, That wherever the public school fund payable to the town of Highland Park school district shall be insufficient to provide funds to run said schools such length of time as the council may deem necessary, and pay the proper salaries and current expenses of the schools, the mayor and council shall levy and collect the amount necessary for such purposes, provided such sum thus levied will not exceed the rate levied by the state for state purposes for the same year; And provided further, That the total tax levy, including the school tax above provided for, shall not exceed one per cent. of the total assessment as hereinbefore provided. Additional school tax levy.

Sec. 19. Be it further enacted, That the mayor and council are hereby authorized to contract any indebtedness on behalf of the town, and upon the credit thereof, by borrowing money and issuing bonds of the city at a rate not exceeding six per cent. per annum for the purpose of erecting public buildings, including the erection and equipment of school buildings, constructing and maintaining public sewers for the town, for the purpose of grading and paving streets and alleys, and constructing sidewalks, curbing, and guttering, and other improvements; for the purpose of constructing bridges and their approaches; for the purchase, construction, or erection of waterworks, and the necessary machinery, pipes, conduits, and appurtenances for their operation, or any other specific purpose; to improve the streets of the town, or for lighting the same; Provided, That the aggregate indebtedness to be incurred for the purposes above set forth shall never exceed three per cent. of the assessed valuation of the taxable property of the town as shown by the town assessment of the year preceding the one in which the loan is voted; Provided always, That no bonds shall be disposed of for less than par, and that no loan shall be made, and no bonds shall be issued, for any purpose except by ordinance, which shall be unrepealable until the indebtedness therein provided for, and the bonds issued in pursuance thereof, shall have been fully paid, and such ordinance shall specify the purpose to which funds received for the bonds to be issued are to be applied, and shall also provide for a levy upon the taxable May contract indebtedness and issue bonds for certain purposes.

property of the town sufficient to pay the annual interest thereon, and extinguish the principal of such debts and bonds within the time limited for the same, which shall not be less than five years, nor more than thirty years; And provided further, That said taxes when collected shall only be applied to the purpose in said ordinance specified until the indebtedness and bonds have been paid and discharged, but no such debt shall be created, nor bonds issued, unless the question of incurring the same and issuing bonds therefor shall be submitted to a vote of the qualified electors of the town, and two-thirds majority of said voters upon the question by ballot shall vote in favor of creating such indebtedness and issuing said bonds.

Election as to
becoming in-
corporated.

Sec. 20. Be it further enacted, That before this act shall become effective that the question of incorporation or no incorporation shall be submitted to a vote of the legally qualified voters (under the general law) of the territory herein mentioned and nonresident taxpayers of said territory, and if a majority so voting shall vote for incorporation, then this act shall become effective, and the territory will thereby become incorporated, but if less than a majority so voting vote in favor of incorporation then this act shall not become effective. The sheriff of Hamilton county shall hold such elections in Highland Park within twenty days from the passage of this act, after giving five days notice through some daily paper published in Hamilton county.

Sec. 21. Be it further enacted, That all laws and parts of laws in conflict with this act be, and the same are hereby, repealed.

Sec. 22. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 20, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved April 22, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 279.

SENATE BILL No. 677.

AN ACT to empower county courts to provide for establishing county high schools; to levy taxes and make appropriation for their support; to appoint county boards of education for managing them.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That whenever it shall appear to the county court of any county that the public interest requires it, the said court shall have power to provide for establishing and maintaining one or more county high schools for the instruction of the children of the county; the said high school or schools to be managed as hereinafter provided.

County high schools may be established.

Sec. 2. Be it further enacted, That the said court for the purpose aforesaid shall have power to levy special taxes, in addition to other taxes, for school purposes, not to exceed fifteen cents on the one hundred dollars on all taxable property, to be levied and collected as other county taxes; and the said court shall also have power, for the purpose aforesaid, to make appropriations out of any county funds not otherwise appropriated, except out of the public schools funds; and the funds arising from the taxes levied for the purpose, and from the appropriations made for the purpose, shall constitute a special fund to be known as the county high school fund, which shall be kept by the county trustee separate and apart from all other funds, and applied exclusively to the purpose aforesaid.

Tax.

Sec. 3. Be it further enacted, That the management and control of the county high school or schools shall be vested in the county board of education, which shall consist of seven members, six of whom shall be elected by the county court as soon as the court shall be decided to provide for establishing a county high school or schools, two of whom shall be elected to remain in office until the following January term of the court,

County board of education.

two to serve until the second January term following their election, and two to serve until the third January following their election; at the expiration of the terms of the several members, their successors shall be elected at the respective January terms of the court to serve three years. Not more than one member of the board shall be elected from the same school district, and the members shall be distributed through the different localities of the county as the court shall deem equitable. The court shall fill all vacancies for unexpired terms at the quarterly term of the court after the vacancy occurs, or as soon thereafter as possible. The county superintendent shall be ex officio a member of the board of education, and secretary thereof, and may receive such compensation for his services as secretary as the board shall allow, in addition to his salary as county superintendent.

Branches
taught; grades.

Sec. 4. Be it further enacted, That in every county high school shall be taught all the branches of study now required or permitted by law to be taught in the secondary schools, excepting and excluding the branches named to be taught in the five grades of the primary schools; and in addition such other high school branches may be taught as the board of education may prescribe as necessary to prepare pupils for college or for business. The county high schools shall be graded by the board of education under the general regulations of the state superintendent and the supervision of the county superintendent, beginning with the sixth grade, which sixth grade shall be adjusted for the admission of pupils who have completed the five grades of the primary schools.

Three teachers.

Sec. 5. Be it further enacted, That in order to secure efficient instruction for the extensive course of study, the board shall employ in every county high school not less than three teachers.

Pupils.

Sec. 6. Be it further enacted, That the county high school or schools shall be open to all the children of the county of lawful age who shall be otherwise qualified, and who have completed the primary school course, or its equivalent, as tested by examination or such regulations as may be provided by the board for the admission of pupils; Provided, That the county high schools shall be separate for white and colored pupils, as provided by law for all public schools.

Sec. 7. Be it further enacted, That the board of education shall have power to locate, establish, and manage the county high school or schools, to make contracts with teachers, draw warrants on the county trustee on account of the high school fund, and shall perform such duties and exercise such powers with respect to the control and management of the county high school or schools as are now vested by law in the district directors with respect to the control and management of the district schools.

Sec. 8. Be it further enacted, That the county board of education shall have power to make contracts of consolidation with the proper authorities of seminaries, academies, or colleges, or with city boards of education, or district directors, whereby the county high school may be taught in said seminaries, academies, or colleges, or city or district schools; Provided, That the high school branches be taught free of charge to all pupils of the county entitled thereto; And provided further, That the authority of the state superintendent, the county superintendent, the board of education, and all school officers shall be as full and ample in such consolidated school as in other county high schools; And provided further, That no teacher shall be employed in teaching the said high school branches unless said teacher shall have a teacher's certificate of such grade as may be prescribed for such service, the county superintendent under the general regulations, and unless the employment of said teacher shall be approved by the board of education.

Sec. 9. Be it further enacted, That the county high schools shall be under the general supervision of the county superintendent and of the state superintendent as provided for other public schools, and it shall be the duty of the state superintendent to provide such special blanks and forms, and general regulations, as may be needed for the examination of high school teachers, for warrants of the county board of education, for grading high schools and other purposes, and to make such changes in the form of reports as may be necessary to adapt them to the use of the high schools, and it shall be the duty of the teachers of a county high schools, and of consolidated county

high schools, and of county boards of education, to make reports on the prescribed blanks and forms at the time provided by law for the reports of other public schools, and in accordance with the regulations of state and county superintendents.

Nonresidents
or over school
age.

Sec. 10. Be it further enacted, That the county board of education shall have power to admit as pupils in the county high school or schools, persons over the school age, or nonresidents of the county, upon the payment of such reasonable rates of tuition, and under such regulations as may be prescribed by the board for persons not entitled to admission in said schools free of charge.

County trustee
to pay out
fund, etc.

Sec. 11. Be it further enacted, That it shall be the duty of the county trustee to pay all warrants legally drawn by said board of education on account of the county high school fund, to keep an accurate account of said fund, and to render report of same to the said board of education, and to the proper officers as now provided by law with respect to other school funds.

Sec. 12. Be it further enacted, That all laws or parts of laws in conflict with the provisions of this act be, and the same are hereby, repealed.

Sec. 13. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 22, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved April 22, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 280.

SENATE BILL No. 357.

AN ACT to provide the mode by which any turnpike company heretofore chartered and organized under the laws of this state, or which may be hereafter chartered and organized, may surrender its charter, dispose of its property and franchise, and go into voluntary liquidation.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That any turnpike company heretofore or hereafter chartered and organized under the laws of this state, is hereby empowered and authorized to surrender its charter, dispose of its road-bed, bridges, toll houses, and right of way, and such other property as it may own, and wind up its affairs as a corporation by complying with the provisions of this act. May wind up corporate affairs.

Sec. 2. Be it further enacted, That any such turnpike company desiring to avail itself of the provisions of this act, shall—

1. Call a meeting of its stockholders to assemble at the usual place of its meetings to consider and vote on the proposition to surrender its charter to the state. Meeting of stockholders.

2. The proposition to surrender the company's charter shall be reduced to writing at such meeting, and submitted to a vote of the stockholders, and the proposition must be voted for and sustained by the vote of two-thirds of the shares of stock, whose owners are present in person or by proxy, and voting, each share to have one vote, and the resolution or proposition to surrender the charter, together with the proceedings of the meeting, and the vote, shall be spread on the minutes of the meeting and signed by the president, and countersigned by the secretary. Stockholders to vote.

3. When the proposition is carried, as above provided, the stockholders shall elect three stockholders a committee to carry out the proceedings to surren- Committee to surrender charter.

der the charter. The committee, when so appointed, shall cause a certified copy of the actions of the meeting on the motion to surrender the charter, duly certified, to be filed in the office of the secretary of state, and recorded in his office.

May sell.

4. Said committee shall, by virtue of their appointment, become vested with the title of all the company's property, as trustees of the company, its roadbed, its toll houses and bridges, right of way, etc., and they shall have full power to sell the same, or any part thereof, the proceeds of such sale to be applied, first, to the payment of the company's debts, and the balance to the shareholders in the ratio of their shares. Said trustees upon their election shall execute bond to the state for the benefit of the shareholders in such sum as the stockholders may fix, not less than five thousand dollars.

Sec. 3. Be it further enacted, That when this act shall have been complied with it shall operate as a dissolution of the corporation and the annulment of the charter.

Sec. 4. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 22, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved April 22, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 281.

SENATE BILL No. 676.

AN ACT entitled An act to compensate the clerk and master of the chancery court at Charlotte, Tennessee, and the clerk of the circuit court of Dickson county, for deputies, etc.; for the courts created and established at Dickson, Tennessee.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That for the proper and economical discharge of official duties in and about the chancery court at Dickson, and the circuit court at Dickson, and that the clerks of said county may be reimbursed for necessary expenses which may be incurred, the said clerk and master of the chancery court of said county, and the circuit clerk, shall be allowed each the annual sum of one hundred dollars, which shall be appropriated and paid out of the funds of said county quarterly.

Sec. 2. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 22, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved April 22, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 282.

SENATE BILL No. 403.

AN ACT to provide for reports from persons, firms, and corporations having coal oil, carbon oil, petroleum, kerosene oil, gasoline, and other products of petroleum, inspected.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That hereafter each person, firm, and corporation for whom coal oil, carbon oil, petroleum, kerosene oil, gasoline, and other products of petroleum are inspected, shall furnish to the comptroller of the treasury, on the first Mondays of March, June, September, and December of each year, under oath, an itemized statement on each of said dates, showing all the fees accrued and paid by such person, firm, or corporation during the quarter just passed, which statement shall show the number of vessels, barrels, and smaller packages, inspected and gauged for such person, firm, or corporation so reporting, and when and where, and names and residences of the inspectors making said inspections (and gaugings), and also the kind of material inspected or gauged.

Sec. 2. Be it further enacted, That for each of said reports, the person, firm, or corporation making same shall receive as compensation for making same ten (10) cents per hundred words; Provided, That four (4) figures shall be counted as one word wherever figures are used in said report; And provided further, That no person shall receive for any one report less than one (\$1.00) dollar, which compensation shall be paid by the state treasurer out of the funds in his hands, if any there be, arising from the fees for making said inspections and gaugings, as now provided for by law; and if there be no such funds in his hands, then the same shall be paid out of any other funds in his hands belonging to the state, and in eith

case to be paid by state treasurer upon the warrant of the comptroller.

Sec. 3. Be it further enacted, That any person, firm, or corporation refusing or failing to make the report herein provided for, within ten (10) days after the time herein fixed, shall be guilty of a misdemeanor, and fined, upon conviction, not less than fifty (\$50.00) dollars, nor more than two hundred (\$200.00) dollars.

Sec. 4. Be it further enacted, That this act take effect from and after July 1, 1899, the public welfare requiring it.

Passed April 18, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved April 22, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 283.

SENATE BILL No. 143.

AN ACT making it unlawful to use for the purpose of testing or determining the weight, grade, milling or market value of wheat, any measure other than the standard half-bushel measure furnished this state by the United States, and making it unlawful to use anything other than a straight stick, with the edges square, for leveling the wheat in said half-bushel measure, and to provide punishment for the violation thereof; Provided, This act shall not apply to custom mills in exchange of wheat for flour.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That it shall be unlawful for any person, commission merchant, miller, dealer, grain inspector, corporation, company, firm or asso-

ciation, either by himself, itself, officer, agent, or employe, when purchasing wheat from the owner, his agent or employe, to use for the purpose of testing or determining the weight, grade, milling, or market value of wheat, any measure other than the standard half-bushel measure furnished this state by the United States; and the use of any fractional part of said standard half bushel measure for such purpose will be a violation of this section.

Sec. 2. It shall be unlawful to use anything other than a straight stick, with the edges square, for leveling the wheat in said half bushel measure for the purpose of testing the weight, grade, milling or market value of wheat.

Sec. 3. Any person violating the provisions of this act shall be guilty of a misdemeanor, and on conviction shall be fined not less than ten dollars nor more than fifty dollars for each offense.

Sec. 4. Be it further enacted, That this act take effect from and after its passage, the public welfare, requiring it.

Passed April 22, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved April 22, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 284.

SENATE BILL No. 278.

AN ACT to incorporate Mount Pleasant, Maury county, Tennessee, to provide for the election of corporate officers and define their powers and duties and provide for their compensation, and to define the powers of the board of mayor and aldermen.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the inhabitants of Mount Pleasant, in the county of Maury, and State of Tennessee, within the boundaries hereinafter set out, be, and they are hereby, constituted a body politic and corporate, under the name and style of "Mount Pleasant;" and under that name they may have perpetual succession, may sue and be sued, plead and be impleaded in all courts of law and equity, and in all actions whatsoever; receive, purchase and hold for corporate purposes, real and personal property, within said corporation, and may sell, lease or dispose of the same for the benefit of the corporation; and may purchase, or otherwise acquire and hold property, real and personal, beyond the limits of the corporation, to be used for the burial of the dead, for the erection of waterworks, for the establishment of a poor-house, pest-house, workhouse or house of correction, or for a public park or promenade, or for any other corporate purpose that the board of mayor and aldermen may deem necessary or proper; and may, by ordinance, direct the sale, lease or other disposition of such property, for the benefit of the corporation, and execute conveyances as natural persons; and they may have and use a corporate seal and alter the same.

Name and style; may acquire and dispose of property.

Sec. 2. Be it further enacted, That the corporate boundaries of Mount Pleasant shall be as follows:

Beginning at a point 20 feet east of the east rail of the main track of the N. F. & S. Ry., where said railway crosses the branch; running thence in a northerly direction parallel to the said main track of the F. & S. Ry. at a distance of 20 feet east of same

Boundaries.

to a point in the line produced between J. S. Hill and Mumford Smith; thence in a westerly direction with said line produced to the northeast corner of the property known as the "Calf Lot," being the property of the Columbian Phosphate Co.; thence north to the south line of W. L. Harris and J. W. Petty; thence in a westerly direction with said line between Harris and Petty produced a distance of 1,000 feet west of the Mount Pleasant pike; thence in a southerly direction toward the lane between J. T. Alexander and J. A. Goodman, stopping at a point due east of the back line of Hay Long College; thence west to the Mount Pleasant & Hampshire road; thence with said road to its intersection with the west line of High street, as projected in the M. G. Frierson addition to Mount Pleasant; thence with said west line of High street to the south line of Adams avenue; thence with Adams avenue to the west line of Mrs. Frierson's garden; thence with the said line to the south line of Mrs. Frierson's residence lot; thence with said line to the west line of Pleasant street, as projected in said addition; thence with the west line of Pleasant street to the branch; thence in an easterly direction with the meanderings of said branch to the beginning, containing about one-half of one square mile.

Wards.

Sec. 3. Be it further enacted, That the board of mayor and aldermen may divide "Mount Pleasant" into wards, four or more in number, and they may define the ward boundaries by ordinance and may from time to time alter the same; but no change in ward lines shall take effect within less than twelve months next succeeding its enactment, and until otherwise fixed by ordinance of the board of mayor and aldermen, the corporation shall be divided into four wards, as follows:

1. All that portion of Mount Pleasant lying east of main street and north of Blue Grass avenue shall be the first ward.

2. All that portion of Mount Pleasant lying east of Main street and south of Blue Grass avenue shall be the second ward.

3. All that portion of Mount Pleasant lying west of Main street and south of Hay Long avenue shall be the third ward.

4. All that portion of "Mount Pleasant" lying west of Main street and north of Hay Long avenue shall be the fourth ward.

Sec. 4. Be it further enacted, That any territory abutting upon or adjoining Mount Pleasant may, if desired and agreed to by the owner or owners of such land, such agreement to be expressed by petition, in writing, to the board of mayor and aldermen, which petition shall define the boundaries and give the names of all the owners and must be signed by them, be annexed to "Mount Pleasant," by ordinance, and, if such ordinance be passed, shall thereafter be and become a part of "Mount Pleasant" as effectually as though the same had been annexed under general provisions of law in such cases provided, and shall be subject to all of the laws and ordinances of the existing corporation.

Additions may
be made.

Sec. 5. Be it further enacted, That territory adjoining "Mount Pleasant" may be added thereto as follows: Twelve citizens, resident freeholders in the territory proposed to be added and included in the limit of the corporation, shall sign a petition in writing, in which shall be described, by metes and bounds, the particular territory proposed to be added and included, and shall submit the same to the board of mayor and aldermen of said corporation, for consent and approval. If the city authorities aforesaid consent, five aldermen voting therefor, and a majority of the citizens who are legally qualified voters in the territory consent, the said territory shall become a part of said corporation. To test the sense of the voters said territory and obtain their consent, or the consent of a majority of them, an election shall be held at some convenient and public place in said territory, and each voter entitled to vote for members of the general assembly, who shall have resided in said territory for more than six months, and each nonresident freeholder who shall be a citizen of the state, and shall have owned a freehold in said territory for six months previous to said election shall be a qualified voter, and no other shall be. The officer holding the election shall give twenty days' notice of the time and place and purpose of the election, and shall make a return of the result to said corporation authorities; and if a majori-

Proceedings on
annexation;
election.

ty of the qualified voters be in favor of the addition and incorporation, then said territory shall become a part of said corporation and be subject to all the laws and ordinances of the existing corporation.

Sec. 6. Be it further enacted, That there shall be a mayor and six aldermen, who shall constitute the board of mayor and aldermen of Mount Pleasant, and they shall be elected by the qualified voters as hereinafter provided.

Mayor, election of.

Sec. 7. Be it further enacted, That on the fourth Tuesday in May, 1899, an election shall be held in "Mount Pleasant," for the choice of a mayor by the qualified voters. The mayor so elected shall hold for a term of two years and until his successor is elected and qualified. And on the fourth Tuesday in May of every second year thereafter, commencing with the fourth Tuesday in May, 1901, an election shall be held for mayor, who shall hold office for a term of two years, and until his successor is elected and qualified.

Aldermen, election of; term; tie vote.

Sec. 8. Be it further enacted, That at said election to be held on the fourth Tuesday in May, 1899, there shall also be elected, by the qualified voters of Mount Pleasant, to be voted for all over the corporation, six aldermen, four of whom shall be selected from four different wards and shall reside in said wards respectively; and two shall be selected from the corporation at large. Three of said aldermen shall be elected for a term of one year, and three for a term of two years; and annually thereafter there shall be an election on the fourth Tuesday in May to fill the expirations as they occur. The three aldermen receiving the highest number of votes at the first election, on the fourth Tuesday in May, 1899, shall hold for the long term of two years; the other three for the short term of one year. In case of a tie in the vote for aldermen at said first election, the board of mayor and aldermen, the mayor voting, shall decide the tie and determine which of those tied shall hold for the long term and which for the short term.

Qualifications of mayor and aldermen.

Sec. 9. Be it further enacted, That every person elected to the office of mayor or alderman shall have been a resident of the State of Tennessee for more than one year, a resident within the boundaries "Mount Pleasant" for not less than twelve months

immediately preceding the election, and shall be the owner of a taxable freehold therein, and shall continue to reside within "Mount Pleasant" during his term of office. And the aldermen elected from wards shall have resided in the territory forming their respective wards for not less than six months preceding their election, and shall continue to reside therein during their term of office. In case of removal of the mayor or either of the aldermen from "Mount Pleasant," or removal of either of the aldermen elected from the wards, from their respective ward, their respective office shall immediately become vacant.

Sec. 10. Be it further enacted, That all elections shall be held by the commissioners of election of Maury county, under the laws of the State of Tennessee governing elections, or by such officer or officers, and in such manner as the law of the state may prescribe.

Sec. 11. Be it further enacted, That all persons who are qualified to vote for members of the general Electors. assembly of the state, and who have been actual bona fide residents and citizens of the territory within the boundaries of "Mount Pleasant," for six months prior to the election, and all nonresidents who are qualified voters under the laws of the State of Tennessee, owning a taxable freehold estate in "Mount Pleasant," shall be entitled to vote in the election to be held on the fourth Tuesday in May, 1899, and at every subsequent municipal election.

Sec. 12. Be it further enacted, That if at any time a vacancy should occur in the office of alderman, Vacancy in mayor or alderman office. either by death, resignation or removal from ward or corporation, or otherwise, a majority of the board of mayor and aldermen may supply the same by the election of some qualified elector residing in the territory in which the vacancy exists. In the event there is a vacancy in the office of mayor, a majority of the aldermen, at a regular or called meeting of the board, shall elect one of their number to that office. Any person elected to fill a vacancy shall hold office for the unexpired term.

Sec. 13. Be it further enacted, That on the first Tuesday in June, 1899, and on the same day of every Officers elected by board; bonds. and year thereafter, the mayor and board of alder-

men shall elect a recorder, a city engineer, a city attorney and a city health officer, whose terms of office shall be two years and until their successors are elected and qualified, and whose duties shall be defined by the board of mayor and aldermen, by ordinance, as far as not already defined herein; and whenever the duties devolving upon the recorder render it advisable, in the opinion of the board of mayor and aldermen, they may, by ordinance, provide for, elect and define the duties of a city treasurer, whose term of office shall be two years and until his successor is elected and qualified. Before entering upon the discharge of his duties, the recorder (and the treasurer, if one is elected), shall give bond in such an amount and on such terms as may be determined by ordinance of the board of mayor and aldermen.

Police.

Sec. 14. Be it further enacted, That the board of mayor and aldermen may elect a captain of police and as many assistant policemen as said board may deem necessary, for such terms of office and under such rules and regulations as may be prescribed by said board.

Oath of office.

Sec. 15. Be it further enacted, That every officer of the corporation, whether elected by the people or by the board, shall, before entering upon the discharge of the duties of his office, take an oath before some justice of the peace of Maury county to support the constitution and laws of the United States and the State of Tennessee, to faithfully and honestly discharge the duties incumbent upon him to the best of his ability, and to obey and faithfully aid in carrying into effect the provisions of the charter and of the ordinances of the board of mayor and aldermen of "Mount Pleasant." Such oaths shall be in writing, and filed in the office of the recorder, except that of the recorder, which, together with the recorder's bond, shall be filed with the mayor.

Salaries.

Sec. 16. Be it further enacted, That the salaries and compensation of all officers elected by the board of mayor and aldermen shall be fixed by ordinance of said board, previous to the election of said officers, and shall not be increased or diminished during the term for which said officers are elected; but the salaries and compensation of the officers to be elected at the next

ing on the first Tuesday in June, 1899, may be fixed by resolution at said meeting, but prior to the election. And the salaries of these officers so elected at said meeting on the first Tuesday in June, 1899, may be afterwards, that is during the term, changed by ordinance.

Sec. 17. Be it further enacted, That the board of mayor and aldermen may, by ordinance, prescribe and require a bond or bonds of any officer elected by said board, and fix upon the amount and terms thereof; and such bonds shall be required of any and all officers charged with the collection or disbursement of corporation revenues. Official bonds.

Sec. 18. Be it further enacted, That the salary of the mayor shall be fifty dollars per annum. The aldermen shall not be entitled to any compensation. The salary of mayor may be changed by ordinance, but it shall not be increased or diminished during the term for which he is elected. Salary. mayor and aldermen.

Sec. 19. Be it further enacted, That the legislative powers of "Mount Pleasant" shall be vested in the board of mayor and aldermen, consisting as hereinbefore provided, of the mayor and six aldermen.

Sec. 20. Be it further enacted, That the board of mayor and aldermen chosen at the first election, shall meet for organization on the first Tuesday in June, 1899, at some convenient place in "Mount Pleasant;" and they shall have the power, by ordinance, to fix the times at which the regular meetings of said board shall be held thereafter. Until otherwise provided by ordinance, the regular meetings of said board shall be held at 7:30 p. m. on the third Tuesday of each month. Organization of board; meetings.

Whenever, in the opinion of the mayor, the welfare of the corporation demands it, he may call special meetings of the board of mayor and aldermen by a written call, which shall be served by a member of the police force upon each alderman then in "Mount Pleasant," and said policeman shall make return, over his signature, showing the names of the aldermen served, with a statement that he has served said call upon those named in his return. Said call shall specify the purpose of said meeting, shall be read at the opening of the meeting, and together with the officer's re- Special meeting.

turn shall be spread upon the minutes; and the business of such meeting shall be restricted to the objects so stated. If, at any time, in the opinion of any three of the aldermen, the welfare of the corporation demands that a special meeting be called, and the mayor be absent or unable for any reason to call such meeting, or shall refuse to call same, the recorder shall, upon the written request of three aldermen, call such meeting in the manner and form hereinbefore provided, stating in the call at whose instance and for what purpose the meeting is to be held. Such meeting shall be called to order by the recorder, who shall read the call and the officer's return, and the aldermen, a quorum being present, shall, if the mayor be absent, proceed to elect one of their number mayor pro tempore, who shall be vested for the time with the same power as the mayor. If the mayor is absent from any regular or special meeting of the board, it shall be the duty of the recorder to call the meeting to order, and the aldermen, a quorum being present, shall proceed to elect from their midst a mayor pro tempore, who shall act as mayor for the time, in the same manner, and with the same powers as above provided for special meetings called by the recorder.

Mayor pro tem.

Sec. 21. Be it further enacted, That four members of the board of aldermen shall constitute a quorum for the transaction of business, but a smaller number may adjourn from day to day.

Quorum.

Sec. 22. Be it further enacted, That the board of mayor and aldermen may determine its own rules of procedure, except as herein provided; and may, by ordinance, prescribe the punishment of members, or other persons, for disorderly conduct during the meetings of the board, and enforce the same; and the mayor shall have power to direct that any person, not a member of the board, who shall be guilty of such boisterous or disorderly conduct as to disturb the sessions of the board, be ejected from the room where such meetings are held. For that purpose the mayor may call to his aid any member of the police force, and as many other persons as he may deem necessary, and the board may, by ordinance, provide proper penalties for the refusal of any person to obey the order of the mayor in such cases.

Rules, etc., of board.

Sec. 23. Be it further enacted, That all ordinances of "Mount Pleasant," and a full and complete record of the proceedings of the board of mayor and aldermen, shall be kept by the recorder, who shall keep a minute book and also a separate book, called the "Ordinance Book," in which shall be recorded all the ordinances passed by the board, with the date on which they were passed. All ordinances and resolutions, before being introduced and received and considered by the board, shall be reduced to writing. Minutes; ordinance book.

Sec. 24. Be it further enacted, That all ordinances of "Mount Pleasant" shall begin with an enacting clause as follows, to wit: "Be it enacted by the board of mayor and aldermen of Mount Pleasant," and shall conclude with a provision as follows, to wit: "This ordinance shall take effect from and after its passage, the welfare of the corporation demanding it;" but this section shall not prevent the board of mayor and aldermen from substituting such time as they may desire in the concluding clause for the words "from and after its passage;" and in such cases such ordinance shall take effect from and after the time stated. No ordinance shall become a law until it shall have passed on three different readings, on three separate days, at regular meetings, or at special meetings called for that purpose, and shall have received on its final passage on the call of the roll the assent of a majority of the entire board of mayor and aldermen, the result of the roll call to be spread upon the minutes. Enacting and concluding clauses of ordinances; passage of.

Sec. 25. Be it further enacted, That the board of mayor and aldermen shall have control of the finances of the corporation and all the property of the corporation, real, personal and mixed, and shall have the power, by ordinance: Powers.

1. To levy and collect taxes upon all property, privileges and polls in Mount Pleasant, taxable under the laws of the State of Tennessee for state purposes.

2. To create such regular committees as may be necessary, and define their duties, and provide for their appointment, the mayor to be ex officio member of all regular committees. Special committees not in conflict with those provided by ordinance may be created by resolution.

3. To create offices not provided for in the charter, which are necessary to carry out and enforce the provisions of this charter, and are not inconsistent herewith or in conflict with its provisions, and provide for election, appointment and compensation of officers to fill such offices, and to define their duties.

4. To license, tax and regulate all lawful occupations, privileges, business places, amusements and places of amusement, declared to be privileges by the law of the state.

5. To impose and collect fines, impose and enforce penalties and forfeitures for breaches and violations of its ordinances.

6. To establish quarantine and sanitary regulations and laws, and to enforce the same within the corporation and within two miles thereof.

7. To establish, maintain and regulate hospitals and secure and provide for the general health of the inhabitants by any necessary means; to provide for the management and regulation of slaughter houses; to prevent or regulate the driving of stock through the corporation; to prohibit the erection of soap factories, stockyards, slaughter houses, pig pens, cow stables, dairies and establishments of like character within prescribed limits, and to remove and regulate the same; to regulate or prevent the carrying on of any business which may be dangerous or detrimental to the public health; to prevent the manufacture or sending of articles obnoxious to the health of the inhabitants; to declare, prevent or abate nuisances on public or private property, and the cause thereof; to establish a system of sewerage.

8. To establish fire limits, make and enforce such general regulations by ordinance for the prevention of and extinguishment of fires, as the board may deem necessary, and to organize, equip, maintain and regulate fire companies.

9. To regulate the storage of illuminating oils, dynamite, gunpowder, tar, pitch, resin and all other explosive or combustible materials, and to regulate or prohibit the use of firearms and fireworks of all kind and to regulate, restrain or prohibit the carrying of manufactories dangerous in causing fires.

10. To regulate the construction of suitable fire

capas in or upon buildings, and suitable appliances for the extinguishment of fires therein, when necessary, for the safety of the occupants.

11. To provide the corporation with water, by contract or otherwise; construct wells, cisterns and reservoirs; to erect pumps, cisterns and hydrants; to dig wells; to lay pipes for the conducting and distributing of water over the corporation; to keep the same in repair; to acquire and own waterworks for the purpose of supplying the corporation with water for domestic, irrigating, mechanical and other purposes; to acquire by purchase, or condemnation proceedings, under the general laws of the state, water rights and sites for public buildings and parks and rights of way between the corporation and the source from which the water is to be taken; to own, construct or purchase waterworks for the use of the corporation, and to enlarge their capacity from time to time, and to keep the same in repair, and generally do whatever may be needful and necessary to be done by contracting with water companies, or otherwise, in order to supply the corporation with water for fire, irrigating, domestic, mechanical and other purposes, and to regulate the prices to be charged private consumers therefor.

12. To provide for the temporary closing of wells, cisterns and springs used by the public, whenever the same are injurious to health.

13. To open, alter, widen, abolish, extend, establish, grade, pave or otherwise improve and keep in repair the streets, avenues, alleys, sidewalks, drains and sewers, and to erect, establish and repair bridges and culverts, and to provide for the lighting of streets and public buildings, and for the planting and protection of shade trees upon the streets, avenues and parks, or other public grounds, and for the erection of all buildings necessary for the public use of the corporation.

14. To fix the rate of charge for the carriage of persons and property within the corporation, and to the public works, parks, property and cemeteries, by licensed hackmen, omnibus men, carriage men, draymen and expressmen.

15. To provide all needful and proper rules and regulations for the organization, management and

control of a street force, a fire department and a police force.

16. To provide for inclosing, improving and regulating public parks and other public grounds of the corporation, and to make all such provisions and regulations with regard to improvements, preservation, platting and ornamenting any ground for waterworks, parks, a cemetery or cemeteries, owned by the corporation, either within or without the boundaries of the corporation, as they may deem proper.

17. To provide for the construction and repair of sidewalks and foot pavements.

18. To take and appropriate land for widening streets or parts of streets, or for laying out new streets, avenues, squares, parks, promenades or other public grounds, when the public convenience or necessity requires it; and for this purpose they may also, if so advised, proceed, or cause proceedings to be taken, under provisions of sections 1325 to 1348, and 1388 to 1391, of the Code of Tennessee, and amendments thereto.

19. To take and appropriate, in the manner hereinafter provided, grounds adjacent to the corporation line for waterworks purposes, site for pumping station or reservoir, right of way for water pipe to the city from pumping station or reservoir, upon payment of damages. To exercise the power conferred in this subsection, the board of mayor and aldermen shall, by ordinance, designate the grounds and may, if so advised, instruct the city attorney to institute proceedings provided for in sections 1325 to 1348, of the Code of Tennessee, and amendments thereto.

20. To grant the right of way over streets, alleys, avenues, squares and other public places of said corporation, for the purpose of street railroads or other railroads, telephones, telegraphs, gas pipes, electric lights and such other purposes as the board may deem proper; but they shall not grant the right to the use of streets and thoroughfares to any person, company or corporation for more than twenty years.

21. To regulate the laying of railroad tracks of all kinds; to regulate the passage and speed of railroad engines, cars and trains of cars within the corporate limit; to compel railroad companies to furnish such gates and watchmen as the public safety may require.

and to compel said companies to construct and maintain proper and sufficient and substantial crossings and protection at the points where the streets, avenues and thoroughfares of the corporation cross the track of the said companies.

22. To regulate parapet and partition walls, and to prevent the dangerous construction and condition of chimneys, flues, fireplaces, hearths, stovepipes, ovens, boilers and all kinds of fire apparatus, and to cause the same to be removed or placed in a safe and secure condition when considered dangerous; and to prevent the deposit of ashes and cinders in improper places.

23. To regulate the size, number and manner of construction of the doors and stairways of theatres, theatre-houses, audience rooms and all buildings used for the gathering of a large number of people, whether now built or hereafter to be built, so that there may be a safe, convenient and speedy exit in case of fire, and to compel owners of buildings to erect fire escapes, when necessary for safety.

24. To remove all obstructions from the streets, avenues, alleys and sidewalks within the corporation, and to prevent and remove all encroachments upon or into said streets, avenues, alleys and sidewalks.

25. To compel all persons to keep snow, ice and dirt from the sidewalks in front of the premises occupied by them; and if not occupied, then to compel the same to be done by the owners or their agents.

26. To regulate the running of horse railway cars, or cars propelled by dummy engines, or cable, or electricity, the laying down of tracks for the same, the form and kind of rail to be used and the transportation of passengers thereon, and to require all street railroad and railroad companies using the streets to lay their tracks at the official grade thereof, and to compel them to grade, pave or macadamize and keep in repair the streets between the rails of their tracks and for the distance of two feet on each side of the same, at their own expense.

27. To restrain or prohibit cattle, hogs, horses, sheep, dogs, fowls and all other animals from running at large within the corporation, and to authorize the summary sale or other disposition of all such animals, when found so running at large.

28. To provide for the cleaning of and sprinkling the streets, avenues and other public grounds.

29. To provide for the inspection of buildings, elevators, steam boilers and fire escapes.

30. To establish standard weights and measures to be used in the corporation, and to appoint a keeper of weights and measures.

31. To provide for the measurement and inspection of lumber and all other materials.

32. To provide for the erection and inspection of market-houses, establishing and inspecting markets and market places, and regulating the government thereof.

33. To provide for and regulate the inspection of beef, pork, flour, meal, milk, butter, lard and all other provisions; to restrain and punish the regrating and forestalling of provisions, and to provide for and regulate the inspection of petroleum and other oils, whisky and all other spirits in barrels, hogsheads or other vessels.

34. To provide for the inspection and weighing or measuring of coal, wood and other fuel, and hay, corn and other grains.

35. To license, tax and regulate billiard tables, bowling alleys, nine and ten pin alleys, shooting galleries and other places of public resort.

36. To license, tax and regulate theatrical and other shows, exhibitions and amusements.

37. To prohibit and suppress the sale or distribution of obscene books, paper prints and pictures; the posting of obscene print, pictures or advertisements; opium joints, gambling houses, dealing in lottery tickets, prize-fighting, cock-fighting, dog-fighting, brothels, bawdy houses, disorderly houses, houses of ill fame, assignation houses, or any places of resort for the practice of lewdness or notoriously reputed to be such, whether kept by one or more persons, and to destroy the instruments of gambling.

38. To prevent and restrain riots, noises, disturbances, disorderly assemblages in any streets, houses, or places within the corporation, breaches of the peace, fighting or disorderly conduct, drunkenness, Sabbath breaking, public profanity, and to make and enforce all such police regulations as may be necessary a

proper for the protection and welfare of the citizens and the property within the town.

39. To prohibit and punish the abuse of animals, and horse racing, and fast driving or riding within the streets.

40. To control, regulate, or prohibit the use of steam whistles.

41. To prevent or regulate the rolling of hoops, playing of ball, flying of kites, or any other amusement or practice having a tendency to annoy persons passing in the streets, or to frighten teams or horses.

42. To provide for the arrest and confinement until trial, and the fine and imprisonment after trial, of all riotous and disorderly persons, and all persons violating any ordinance of the corporation by day or night.

43. To establish, erect, or purchase, and maintain a workhouse for the corporation, and to provide for the committal to said workhouse of persons convicted of offenses against the ordinances of the corporation who fail to pay or secure the fine and costs imposed upon them, until such fine and costs shall be paid by such persons by labor or otherwise; such persons may be put to labor, either within an inclosure or upon the streets or other public works, under proper guards, or secured by ball and chain, at such wages as the board may adopt by ordinance.

44. To provide for the enumeration of inhabitants and the scholastic population of the corporation; to regulate the burial of the dead, the registration of births and deaths, the keeping and returning of bills of mortality, and impose penalties on physicians, sextons, and others for any default in such duty.

45. To appropriate money and provide for the payment and expenses of the corporation.

46. To provide penalties for and the punishment of persons or corporations required to pay merchants or privilege taxes, who fail to apply for or take out license, and who sell or do business or exercise a privilege without first applying for and obtaining such license.

47. To make all regulations and pass all ordinances necessary and proper for carrying into execution the provisions of this act, which the board of mayor and

aldermen may deem requisite for the good order, health, good government, and general welfare of the corporation, and for the protection and preservation of life and of property, and to enforce the same by proper penalties.

48. To provide by ordinance special funds for special purposes, and make the same disburseable only for the purposes for which the fund was created.

49. To license, tax, regulate, and control the selling or giving away of intoxicating, spirituous, vinous, malt, or mixed liquors within the corporation.

Mayor's qualifications and duties.

Sec. 26. Be it further enacted, That the mayor shall be at least twenty-five years of age, and he shall be the chief executive officer of the corporation, and ex officio chief of police; he shall also be ex officio member of any regular committee of the board of mayor and aldermen.

He shall preside at all meetings of the board of mayor and aldermen, and, in case of a tie vote on questions before said board, he shall vote, but not otherwise. He shall, from time to time, give the board of mayor and aldermen information relative to the financial and general condition of the corporation, and shall recommend to its consideration such measures as he may deem expedient. He shall have a general supervision of all officers of the corporation, and he shall see to the enforcements of all laws and ordinances of the corporation and to the preservation of its health and peace; and, in cases of emergency, he is empowered to call to his aid every male inhabitant of the corporation in such enforcement; and the board of mayor and aldermen may, by ordinance, prescribe penalties for a failure to obey such call. The mayor shall, under such regulations as may be established, by ordinance of the board of mayor and aldermen, draw warrants upon the recorder, or treasurer, for the payment of any moneys due from the corporation.

Mayor pro tem. Sec. 27. Be it further enacted, That the mayor may, in writing, request one of the aldermen to act in his stead during his absence, sickness, or other disability, and in the event the mayor shall fail to make such request, the board of mayor and aldermen sh

elect one of their number to perform the duties of the mayor, and such alderman so appointed by the mayor, or elected by the board, shall be vested with all the powers of the mayor for the time being.

Sec. 28. Be it further enacted, That all contracts and bonds of the corporation shall be signed by the mayor and countersigned by the recorder, under the seal of the corporation, after authority given by ordinance of the board of mayor and aldermen.

Contract, etc., signed.

Sec. 29. Be it further enacted, That all legal process against the corporation shall be served upon the mayor, and it shall be his duty to forthwith give the city attorney written notice of the same, stating the style of the cause and from what court issued.

Process served on mayor; attorney notified.

Sec. 30. Be it further enacted, That the mayor shall have power, and it is hereby made his duty, to perform all acts that may be required of him by any ordinance duly enacted by the board of mayor and aldermen, not in conflict with any of the provisions of this act.

Sec. 31. Be it further enacted, That the mayor shall have power to make pro tempore appointments to fill vacancies occasioned by sickness, absence, or other disability of any of the corporation officers elected by the board of mayor and aldermen, and to suspend any of such officers for misconduct in office or for neglect of duty, reporting his action with his reasons therefor in writing to the next regular meeting of the board of mayor and aldermen, and final action shall be taken thereon by said board.

Mayor may fill temporary vacancies; suspensions.

Sec. 32. Be it further enacted, That it shall be the duty of the recorder to be present at all meetings of the board of mayor and aldermen, and to keep a full and accurate account of all business transacted by the same, to be preserved in a permanent book form, and to perform such other duties as may be imposed upon him by this act, or by the ordinances and resolutions of the board of mayor and aldermen. In the event of the absence or disability of the recorder, the board may elect a recorder pro tempore, designating his duties.

Recorder to keep minutes.

Sec. 33. Be it further enacted, That it shall be the duty of the recorder to keep a full and accurate item of accounts with each fiscal department of the

Recorder to keep accounts; monthly statement.

corporate government, showing the amounts of receipts and expenditures in each of said departments, and he shall submit a statement of the same to the board of mayor and aldermen monthly.

Recorder to receive and pay out funds; warrants.

Sec. 34. Be it further enacted, That the recorder shall be the treasurer of the corporation (unless by ordinance the board of mayor and aldermen shall create a separate office of treasurer, as hereinbefore empowered to do), and it shall be his duty to collect, receive, and receipt and account for the revenues of the corporation; but he shall not pay out any part of the same except on warrants previously authorized by the board of mayor and aldermen, signed by the mayor and attested by the recorder, under the seal of the corporation; and such warrants shall specify the particular departmental fund against which same are drawn, and shall be payable out of no other fund.

Recorder custodian of public records, etc.

Sec. 35. Be it further enacted, That the recorder shall have custody of the corporate seal, the public records, the original ordinances of the board of mayor and aldermen, of all contracts, deeds, and certificates, relative to the title of any corporate property, all official indemnity or security bonds (except his own bond or bonds), and such other records, papers, and documents of value as are not required to be deposited with any other person.

He shall certify, under his hand and the corporate seal, all copies of such original documents, records, and papers in his office as may be required by any officer or person, and charge therefor to individuals such fees, for the use of the corporation, as may be provided by ordinance.

Fire department.

Sec. 36. Be it further enacted, That the board of mayor and aldermen shall have power, by ordinance, to provide for the establishment and the appointment of officers and members of a fire department, and may provide rules and regulations for the government of the same; and may, by ordinance, either place the fire department under the direction or control of committee, or committees, of the board, or of such officers as they may deem proper.

The compensation of the officers and members of the fire department shall be fixed by the board of mayor and aldermen, by ordinance.

Sec. 37. Be it further enacted, That the board of mayor and aldermen shall have power to appoint a ^{Board of education, term.} board of education, consisting of five competent citizens, residing within the corporate limits, and not members of the board of mayor and aldermen, which board, when so appointed, shall have full power to manage and control the public schools, to elect or employ teachers, and prescribe rules and regulations for said schools and the teachers thereof, and to fix their salaries within limits prescribed by the board of mayor and aldermen, by ordinance, and to arrange with existing schools for tuition of resident pupils. The members of said board of education shall hold office for three years.

Sec. 38. Be it further enacted, That the board of mayor and aldermen shall provide, by ordinance, for ^{School tax.} the manner in which the taxes collected by the city tax collector, going to the school fund, shall be disbursed and paid over on the order of the board of education.

Sec. 39. Be it further enacted, That the recorder of Mount Pleasant is hereby vested with full power and authority to try and determine all offenses for ^{Recorder's court; jurisdiction, remission of fines, when.} violation of the ordinances and laws of said corporation, and impose and collect, and cause enforcement of collection of fines, and impose and enforce, and cause to be enforced, penalties and punishment for the violation of the laws and ordinances of Mount Pleasant; and he is also hereby vested, within the limits of the corporation, with concurrent jurisdiction with justices of the peace in cases of the violation of the criminal laws of the state of Tennessee, and to be entitled to the same fees now allowed justices of the peace for like services, the same to be paid into the corporate treasury. Said court shall have power and authority to preserve order and decorum while in session, and shall be invested with the same powers to suppress disorder in the court room as are incident to justices of the peace. The recorder shall have the power to remit fines and penalties, but only upon written recommendation of at least four aldermen.

Sec. 40. Be it further enacted, That in the absence, incompetency, or other disability of the recorder, the mayor is hereby authorized to act in his

Recorder pro-
tem; police de-
tail for court;
process.

stead, or appoint some suitable person to act, as judge of said court, and the mayor, or person appointed by him, is invested with the same powers as the recorder, while so acting. The mayor shall detail a member of the police force to wait upon the recorder's court when requested by the recorder or other person presiding therein.

All process issuing from said recorder's court shall run in the name of the State of Tennessee.

Appeal; pau-
per oath.

Sec. 41. Be it further enacted, That in all cases in which a person, charged with a violation of the ordinances of Mount Pleasant shall be tried in said recorder's court, the accused, or the corporation, shall have the right, within two days after trial, to appeal from the judgment of said court to the circuit court of Maury county, and from there to the supreme court. The accused shall be entitled to the appeal upon executing bond for appearance, fine and costs, or taking the pauper oath in lieu of bond; but in case of the taking of the pauper oath the accused shall be required to enter into bond for appearance in the appellate court, there to abide the judgment of that court.

Police.

Sec. 42. Be it further enacted, That the board of mayor and aldermen shall provide, by ordinance, for a captain of police, the number of assistant policemen, and the salary to which they shall be entitled; and the captain and assistant policemen shall not be entitled to any other compensation for services rendered the corporation during their employment on the police force.

Police commit-
tee; removal.

Sec. 43. Be it further enacted, That the board of mayor and aldermen shall have power to place the government, regulation, and control of the police force in the hands of a committee of said board. No policeman shall be permanently removed from office without the right of a final appeal to the entire board, a majority of which shall concur in such removal.

Police may ar-
rest; serve pro-
cess; fees.

Sec. 44. Be it further enacted, That any member of the police force may arrest any person who, in his presence, may be guilty of a breach of the ordinance of the corporation, or of a crime against the laws of the state of Tennessee; and they are empowered serve process of any kind or character issued by

out of the recorder's court, and to serve process in criminal matters issued by any justices of the peace within the corporation, fees accruing for such services to be paid into the treasury of the corporation.

Sec. 45. Be it further enacted, That the board of mayor and aldermen shall have power, by ordinance, to levy and collect a poll tax, to be used for school purposes, not exceeding, for any year, in amount, the poll tax levied by Maury county.

Poll tax for school.

Sec. 46. Be it further enacted, That the board of mayor and aldermen shall have power, by ordinance, to levy and collect privilege taxes upon each business, calling, and occupation declared to be privilege, or taxed as such by the laws of Tennessee; but said board shall not be required to assess privileges at the same rates as fixed by the state statutes.

Privilege taxes.

It shall be the duty of the recorder to issue license to do privileged business, and to receive payment for privilege taxes and receipt for the same; and unless otherwise provided by ordinance of the board of mayor and aldermen, he is hereby vested with the same powers, with relation thereto, as are now or may be hereafter vested in county court clerks in this state in the case of collection of privilege taxes for state and county purposes.

Recorder to issue license, etc

Sec. 47. Be it further enacted, That the board of mayor and aldermen shall not contract for the expenditure of any greater sum of money in any one year than the income for that particular year amounts to; and said board is forbidden to make any appropriation of money or credit in the way of festivities, pageants, excursions, parades, or donations of any kind, except to provide medicines, medical attention, and coffins for the absolutely destitute paupers of the corporation.

Limit to contracts and appropriations.

Sec. 48. Be it further enacted, That the board of mayor and aldermen shall, by ordinance, designate the purposes for which the taxes are levied, and to which the municipal revenues from all sources shall be appropriated; and the appropriation for each fiscal department shall be held and kept for the purposes of that department, and shall under no circumstances be diverted from such purposes. No payments shall be made out of the corporation treasury, except upon

Appropriations; warrants

warrants drawn by the mayor and countersigned by the recorder, under the corporate seal, upon the prior authorization of the board of mayor and aldermen; and such warrant shall specify the particular fund against which they are drawn, and shall be payable out of no other fund.

Assessment
and collection
of taxes.

Sec. 49. Be it further enacted, That all property, real, personal, and mixed, which is subject to state taxes, shall be assessed and listed for taxation for corporation purposes in the name of the owner, or reputed owner, and shall be collected at such time and in such manner, and disbursed and accounted for in such manner, and collected and disbursed by such officers as the board of mayor and aldermen may designate by ordinance. The board of mayor and aldermen shall have power to pass ordinances not in conflict with general laws of the State of Tennessee on the subject of assessment and collections of municipal taxes, which may be reasonable and necessary to systematize such tax levies, assessments and collections of taxes, and penalties. And they shall also have power, by ordinance, to appoint officers and define their duties and fix their compensation, to execute and carry into effect ordinances passed as in this section provided; but, no offices shall be created and no officer appointed by the board of mayor and aldermen in conflict with the general laws of the State of Tennessee in regard to the collection and assessment of municipal taxes so far as such general laws may be applicable to Mount Pleasant.

Authority to
contract or
pay funds.

Sec. 50. Be it further enacted, That no member of the board of mayor and aldermen or any officer or employe, or other person, shall have power to make any contract for, or create, any liability on behalf of said board, or pay out any corporate funds, except by express authority of the board, conferred by ordinance.

Contracts void,
when.

Sec. 51. Be it further enacted, That no member of the board of mayor and aldermen, or officer elected by said board, shall be interested in any contract, or any work of any kind whatever, under its control or direction, and any contract in which any such person shall have an interest shall be void.

Sec. 52. Be it further enacted, That to enable

board of mayor and aldermen to fully investigate ^{Charges, investigation of.} charges against its own members, or other officers or agents of the corporation, or such other matters as they may deem proper, the mayor or recorder, at the request of the board, are hereby empowered to issue subpoenas and other compulsory process to compel the attendance of persons and the production of books and other papers before the board of mayor and aldermen, or any committee of the same, and the board may, by ordinance, prescribe and enforce penalties for a failure or refusal to obey such process.

Sec. 53. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 18, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved April 22, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 285.

SENATE BILL No. 500.

AN ACT to amend section 5 of chapter 39 of the Acts of 1893, being an act to establish a state board of pharmacy, and to regulate the practice of pharmacy, the sale of poisons, and to prohibit the adulteration of drugs in the State of Tennessee.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That section 5 of chapter 39 of the Acts of 1893 be amended by adding: The provisions of section 4 shall not apply to any person having practiced pharmacy or dispensed drugs for a period of five years in this state prior to the passage of this act.

Sec. 2. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 22, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved April 22, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 286.

SENATE BILL No. 219.

AN ACT to prevent discrimination in the vending, supplying, and distributing of news in this state, and to provide penalties for violations of this act.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That it shall be unlawful for any corporation, firm, or person, or any combination or association of corporations, firms, or persons engaged in the business of buying, gathering, or accumulating information or news, or vending, supplying, distributing, or publishing the same, to refuse to vend, supply, distribute, or publish such information or news to any person, firm, or corporation conducting a newspaper in this state, offering to pay for the same or to make discrimination in any manner between persons, firms, or corporations conducting newspapers in this state in the vending, supplying, distributing, or publishing of such information or news.

Sec. 2. Be it further enacted, That it shall be unlawful for any agent or employe in this state of such person, firm, or corporation, or association or combination of persons, firms, or corporations engaged in the business of gathering, accumulating, vending, supplying, and distributing news or information, to assist in the carrying on or conducting of such busi-

when such person, firm, or corporation or association of such persons, firms, or corporations shall have refused to furnish news or information without discrimination in price, method of supply, or otherwise to any person, firm, or corporation conducting a newspaper in this state and desiring to be supplied with such information or news.

Sec. 3. That any person, firm, or corporation violating the provisions of this act, or aiding or abetting the violation of the same, shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than \$100 nor more than \$1,000 for each and every offense.

Sec. 4. That this act take effect from and after its passage, the public welfare requiring it.

Passed April 14, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved April 19, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 287.

SENATE BILL No. 672.

AN ACT to be entitled an act to abolish the charter of the town of Madisonville, Tennessee.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the charter of the town of Madisonville, in Monroe county, Tennessee, and the same is hereby, abolished.

Sec. 2. Be it further enacted, That the assets of said municipal corporation shall be disposed of by a committee of three appointed by the chairman of the county judge of Monroe county, and the proceeds expended in improving the streets of Madisonville.

Sec. 3. Be it further enacted, That this act take effect on and after May 15, 1899.

Passed April 20, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved April 21, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 288.

SENATE BILL No. 664.

AN ACT to incorporate the town of Clifton.

Name and
style; may ac-
quire and dis-
pose of prop-
erty.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the inhabitants of the town of Clifton, in the county of Wayne, are hereby constituted a corporation and body politic, by the name and style of the "Mayor and Aldermen of the Town of Clifton," and that by the same sue and be sued, plead and be impleaded, in all the courts of law and equity, and in all actions whatsoever; may purchase, receive, and hold property, real, personal, and mixed, within said town for corporation purposes, and may sell, lease, or dispose of same for the benefit of said town; and may purchase, receive, and hold property, real, personal, and mixed, beyond the limits of said town, to be used for the burial of the dead, for the erection of waterworks, for the establishment of a hospital, poor house, workhouse of correction, and may sell, lease, or dispose of said property for the benefit of said town; and do all other acts touching the same as a natural person for the benefit of said town; and change the same at pleasure.

Boundaries.

Sec. 2. Be it further enacted, That the boundary said town shall be as follows: Beginning at a stone Ross Creek, above the bridge; thence west two and one-fourth poles; thence north twenty-five p

to Water street; thence north 30 degrees east to the Tennessee river; thence up said river to the mouth of Roach's branch; thence up said branch to David Roach's old mill place; thence east, passing east and south of Mrs. Ricketts to a stake at a point due south from the beginning corner, in all—poles; thence north 500 yards more or less to the beginning.

Sec. 3. Be it further enacted, That there shall be elected on the first Saturday in June in each and every year by the qualified voters residing in the bounds of said corporation, for the term of one month next preceding the day of election, a mayor, five aldermen, and a town constable, who shall hold their office for one year, and until their successors are elected and qualified. Officers elected

Sec. 4. Be it further enacted, That the election commissioners of Wayne county shall hold the first election for the election for said board of mayor and aldermen on the first Saturday in June, 1899, as the law directs, and in case of vacancy in the office of mayor, aldermen, or constable, by death, resignation, or removal, or otherwise, the remaining members of the board, or a majority of them, may order an election by the qualified voters of said town to fill said vacancy; that the board of mayor and aldermen shall appoint a recorder and treasurer out of their body, who shall give bond and sufficient security for the faithful performance of the duties of their position, in such sums as the board may prescribe, and who shall hold their offices during the term of said board; Provided, That the said board shall have power to remove either or both at any regular or called meeting when in its judgment it may be expedient, and their places shall be filled as aforesaid. First election; vacancy; recorder and treasurer.

Sec. 5. Be it further enacted, That the mayor, aldermen, and constable may be removed from office for any misdemeanor or malfeasance in office in the same way that other officers are under the laws, and shall be subject to indictment by the grand jury. Removal from office.

Sec. 6. Be it further enacted, That the corporation aforesaid shall have full power and authority to enact such laws and ordinances necessary and proper to preserve the health of said town; prevent and remove nuisances; ascertain, when necessary, the boundary and location of streets, lots, and alleys; establish new Powers.

streets, lanes, and alleys; to restrain and prohibit gaming; and provide for licensing, taxing, regulating, and restraining public amusements or shows within the corporate limits of the town; to keep in repair the streets, alleys, lanes, and sidewalks; to pass all laws necessary to carry into effect the same; to restrain or prohibit the sale of intoxicating liquors, including beer, ale, and all malt liquors; to impose and appropriate fines, penalties, and forfeitures for the breach of by-laws and ordinances; to levy and collect taxes for the purposes of carrying the necessary measures and powers herein granted into operation for the benefit of said town; and pass all laws and ordinances necessary and proper to carry the intent and meaning of this act into effect; Provided, They are not incompatible with the constitution and laws of the state and of the United States.

Fines, etc., recovered; ordinances posted.

Sec. 7. Be it further enacted, That all fines, penalties, and forfeitures imposed by the by-laws and ordinances of said corporation shall be recovered as other moneys are under the laws of the state, by the mayor and aldermen of said corporation, and for the use of said town; that it shall be the duty of the mayor to have all by-laws and ordinances of the corporation written out or printed and posted in a conspicuous place on the main streets of said town for the inspection and information of all persons; no ordinance or laws to take effect or be binding until ten days after such advertising; and it shall be the duty of the mayor to have said by-laws or ordinances so posted replaced when destroyed or removed within ten days after the same shall be made known.

Assessment and collection of taxes.

Sec. 8. Be it further enacted, That the said mayor and board of aldermen shall appoint out of their own body an assessor to assess the value of all property, real and personal, upon which taxes are paid under the laws of the state, lying within said corporation, before any taxes are levied for corporation purposes; that when any taxes shall be imposed upon any property for corporation purposes, the constable of said corporation shall collect said taxes and pay the same into the hands of the treasurer; and said constable shall have the same power to collect the corporation taxes as the trustee has for collecting state and county taxes; that said corporation shall have the power

levy a tax on privileges not to exceed that levied by the county on the same.

Sec. 9. Be it further enacted, That said mayor, aldermen, and constable, before entering on the duties of said offices, shall take an oath of office to faithfully discharge the duties of said office according to law; and that the constable and treasurer enter into bond and security for the faithful discharge of their duties, and paying over all money coming into their hands, in accordance to the by-laws provided for; and said mayor, aldermen, constable, and treasurer going out of office shall pay over to their successors any and all moneys which may be in their hands, are in the hands of the treasurer, and turn over all property and deliver up all books and papers in their hands, and those of their appointees, belonging to corporation; the mayor to have the jurisdiction of a justice of the peace to try causes brought before him, and to have the fees allowed by law to a justice.

Official bonds
and oaths;
mayor's juris-
diction.

Sec. 10. Be it further enacted, That this law take effect from and after its passage, the public welfare requiring it.

Passed April 20, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved April 21, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 289.

HOUSE BILL No. 725.

AN ACT to prohibit the killing or trapping of quail or quails in the county of Obion until November 15, 1900.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That hereafter, until the

15th day of November, 1900, it shall be a misdemeanor for any person or persons to kill or trap any quail or quails in Obion county of this state.

Sec. 2. Be it further enacted, That a violation of the foregoing section is hereby declared a misdemeanor, punishable by a fine of not less than ten dollars nor more than fifty dollars.

Sec. 3. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 18, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 21, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 290.

HOUSE BILL No. 358.

AN ACT to amend chapter 146, section 4, of the acts of 1887, entitled, "An act to amend chapter 110, of the acts of 1885, and to provide for the organization of the western hospital for the insane, and to better provide for the government of the insane hospitals of the state," and to better provide for the government of said hospitals.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That chapter 146, section 4, of the acts of 1887, be, and the same is hereby amended by striking out the words, "or from the counties comprising the district," after the word: "county of Hardeman," in line 7 of section 4 of said chapter and act, so as to provide that three of the trustees of the western hospital for the insane shall reside in the county of Hardeman, "but nothing this act shall be so construed as to require the pro

ions of this section to be complied with only as the terms of the present trustees expire.”

Sec. 2. Be it further enacted, That no trustee, or any other official connected by election or appointment with the management of any of the insane hospitals of the state shall be allowed to furnish any supplies for the maintenance of the hospital, or make any contract with the officials of the hospitals for furnishing supplies to such hospitals for their maintenance or support, and any official or trustee violating the provisions of this section shall, by that act, forfeit his right to serve as such trustee or official.

Sec. 3. Be it further enacted, That the office of treasurer of the insane hospitals of the state is hereby abolished, and all duties provided by law for the treasurer of these hospitals are hereby conferred upon the superintendents of the several insane hospitals of the state. Said superintendents shall perform the duties heretofore devolving upon the treasurer without any compensation except the compensation allowed them for their services as superintendents of said hospitals. They shall each enter into a bond of ten thousand dollars, conditioned upon the faithful performance of their duties as treasurer, in addition to and like the bond already given by them as superintendent.

Sec. 4. Be it further enacted, That all laws and parts of laws in conflict with this act be, and the same is hereby, repealed, and that this act take effect from and after its passage, the public welfare requiring it.

Passed April 20, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 21, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 291.

SENATE BILL No. 477.

AN ACT authorizing fish to be caught in baskets and nets in water of the north fork of Obion river, Henry county, Tennessee.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That hereafter it shall be lawful to catch fish in the waters of north fork of Obion river, of Henry county, Tennessee, with baskets and nets, provided the meshes of the nets shall be one and one-half (1 1-2) inches; Provided further, It shall be unlawful to catch fish in any manner except with hook and line in said streams between the 15th of March and 1st of June of each year; Provided further, That no wing nets shall be used.

Sec. 2. Be it further enacted, That all acts and parts of acts in conflict with this act be, and they are hereby, repealed, and that this act take effect from and after its passage, the public welfare so requiring it.

Passed April 18, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved April 20, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 292.

SENATE BILL No. 594.

AN ACT to amend an act passed March 3, 1899, approved March 15, 1899, to provide for a better and more improved system of waterworks and electric lights for the municipal corporation of the town of Dyersburg, in Dyer county, Tennessee, and to authorize the issuance of bonds for that purpose.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That said act be so amended in the caption that after the words "electric light," by adding the words, "Acetylene, or other kinds of lights." And that section 1 of said act be so amended after the words "new systems," that the words "of waterworks" and "electric lights," "acetylene, or other kinds of lights" be added. And amend section 5 by adding after the word "electric lights," the words, "acetylene or other kinds of lights."

Sec. 2. Be it further enacted, That all laws in conflict with this act be, and the same are hereby, repealed, and this amendatory act take effect from and after the date of its passage, the public welfare requiring it.

Passed April 18, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved April 20, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 293.

SENATE BILL No. 561.

AN ACT to authorize the qualified voters within the city of Jackson, Tennessee, to elect six additional justices of the peace.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That in the election in August, 1900, for county officers, there shall be elected by the qualified voters within the incorporated limits of the city of Jackson, six additional justices of the peace, who shall hold office and have the same duties and powers as are now conferred by law upon justices of the peace.

Sec. 2. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 18, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved April 20, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 294.

SENATE BILL No. 405.

AN ACT to change the boundary line of the corporation of the town of McMinnville.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the corporate bo

aries of the town of McMinnville be so changed as to exclude from within the corporate limits of said corporation all the real estate of N. Shong except as hereinafter provided, and the line will be changed as follows: So as to follow the line between Shong and the C. Coffee heirs until it reaches within ten feet of the pike; thence northwardly parallel with the pike ten feet from the pike until it reaches the south boundary line of the premises of Mrs. Mary Faulkner, and continuing as the line now is with reference to her property.

Sec. 3. Be it enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 14, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved April 20, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 295.

SENATE BILL No. 610.

AN ACT to exempt Lawrence county from the fish law of 1895, and define the manner of fishing in said county.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That it shall be lawful to catch fish in Lawrence county in every way and at all times, except the months of April and May each year; Provided, no explosives and poisons and devices that prevent the easy passage of fish up and down the streams of said county shall be used.

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with this act, be, and the same are hereby, repealed, and that this act take ef-

fect from and after its passage, the public welfare requiring it.

Passed April 19, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved April 20, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 296.

SENATE BILL No. 304.

AN ACT to amend chapter 101 of the acts of 1895, entitled, "An act to provide for labeling, stamping, or marking oleomargarine, butterine, and imitation butter, and to provide against coloring of the same, and fixing the punishment for violation of this act."

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That section 5 of chapter 101, of the acts of 1895, entitled, "An act to provide for labeling, stamping, or making oleomargarine, butterine, and to provide against coloring of the same, and fixing the punishment for violation of this act," be amended by adding and inserting after the word "act," at the end of the second line, the words, "shall be guilty of a misdemeanor and," also, by adding and inserting after the word dollars, after the fifth line in said section, the following sentence: "The grand juries of this state are given inquisitorial power as to this offense, and the circuit and criminal judges of this state shall give this offense in charge specially to the grand juries at each term of the court."

Sec. 2. Be it further enacted, That this act

take effect from and after its passage, the public welfare requiring it.

Passed April 14, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved April 20, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 297.

SENATE BILL No. 337.

AN ACT to amend chapter 3, of the Acts of 1887, relative to the times for holding the courts of the ninth chancery division, so as to change the times for holding said courts in Henry county.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That section 1 of chapter 3, of the Acts of 1887, relative to the times for holding the courts of the ninth chancery division be, and the same is hereby, amended so as to provide that the time for holding said courts in Henry county shall be the second Mondays in June and December, instead of the first Mondays of said months, as heretofore provided by law.

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with this act be, and the same are hereby, repealed, and that this act take effect from and after its passage, the public welfare requiring it.

Passed April 18, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved April 20, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 298.

SENATE BILL No. 399.

AN ACT to regulate the location of cemeteries, graveyards and burying places for the dead, and the burying of dead bodies, on streams or the watersheds of streams, within the distance of ten miles from the corporate limits of municipal corporations embracing territories of cities and towns having a population of thirty-six thousand and upwards, according to the federal census of 1880, or any subsequent federal census; and also to make it a misdemeanor to violate the regulations imposed; and also to provide a punishment for the offenses described.

Not to locate
on water
course, when.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That it shall hereafter be unlawful for any cemetery, graveyard or burying place for the dead to be located, or for any dead body to be buried, upon any stream or water course, or the watershed draining upon any stream or water course, from which is taken the water supply to be used by the inhabitants of any city or town having a population of thirty-six thousand and upwards, according to the federal census of 1880, or any subsequent federal census; and where such cemetery, graveyard or burying place for the dead, or the burying of such dead body, shall be within ten miles of the corporate limits of said city or town, and in such a place that the surface, storm or drainage water from that place will flow into or commingle with the waters of said stream or water course above the intake point in said stream or water course from which is drawn the water supply for the inhabitants of said city or town.

Nor on tribu-
tary to said
water course,
when.

Sec. 2. Be it further enacted, That it shall be unlawful for any cemetery, graveyard or burying place for the dead to be located, or for any dead body be buried upon any tributary or watershed draining upon any tributary, to said stream or water course described in the first section of this act, where such cemetery, graveyard or burying place for the dead

the burying of such dead body, shall be within ten miles of the corporate limits of said city or town, and where such tributary stream flows into the main stream or water course at a point above the intake point in such main stream or water course from which is drawn the water supply for the inhabitants of said city or town.

Sec. 3. Be it further enacted, That the intent of this act is to save from contamination, and preserve the purity of the water supply to be used by the inhabitants of said city or town; and nothing in this act shall be construed to forbid the location of burying places for the dead, or the burying of dead bodies within a nearer distance than ten miles from the corporate limits of said city or town, provided such cemetery or burying place for the dead shall not be located, or such body buried on a stream, or a tributary, or a watershed of a tributary or stream, in such a place or locality as will or may contaminate the waters of said stream or water course above the intake point of supply in said stream or water course, as set forth in the first section of this act.

Intent of act;
when such lo-
cation allow-
able.

Sec. 4. Be it further enacted, That any person convicted of any of the offenses, or of aiding or abetting the commission of any of the offenses mentioned in this act, shall, upon conviction thereof, pay a fine in an amount not to exceed two hundred and fifty dollars, and may be imprisoned in the county jail, at the discretion of the court, for a period of time not to exceed ninety days.

Penalty.

Sec. 5. Be it further enacted, That all laws or parts of laws in conflict with this act, be, and the same are hereby, repealed, and that this act take effect from and after its passage, the public welfare requiring it.

Passed March 25, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Returned by the governor without action, the bill having remained in his hands more than five days.

JAMES A. KIRBY,
Chief Clerk of the Senate.

CHAPTER 299.

SENATE BILL No. 174.

AN ACT to amend the charter of the city of Chattanooga, and all acts amendatory thereto so as to enable it to issue bonds for the purposes of purchasing or erecting waterworks to be owned and controlled by said city, and to provide for a waterworks commission to take charge of the erection, or negotiate for the purchase of said waterworks, and to operate the same, and defining its duties, and to provide for a special election as to the issuance of said bonds.

May issue waterworks bonds

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the charter of the city of Chattanooga is hereby amended as follows: The mayor and aldermen of the city of Chattanooga is hereby authorized to issue city bonds of said city to an amount not exceeding six hundred and fifty thousand (\$650,000) dollars in addition to the bonds already issued, or heretofore authorized to be issued, for the purpose of erecting or purchasing a system of waterworks by which the inhabitants of the city of Chattanooga, and the environs or suburbs thereof, are to be supplied with water for drinking, domestic, and manufacturing purposes, as well as for all other purposes water may be used, and the proceeds arising from the sale of said bonds shall be applied to said purpose and no other.

Denomination; interest, maturity, coupons.

Sec. 2. Be it further enacted, That said bonds shall be in the denomination of one hundred dollars, or multiples thereof, no single bond to be in amount more than one thousand dollars, shall be payable principal and interest in lawful money, and said bonds shall run for thirty years from the date of their issuance, bear interest not to exceed four and one-half per centum per annum, payable semiannually; have coupons attached for their semiannual interest, to be p

able in the city of New York, and shall, in no case, be sold for less than their face value.

Sec. 3. Be it further enacted, That the board of mayor and aldermen of the city of Chattanooga shall annually levy a tax and provide for the payment of the semiannual interest, and create a sinking fund for the payment of said bonds at maturity, and said fund shall, in no case, be used for any other purpose.

Interest and
sinking fund
tax.

Sec. 4. Be it further enacted, That no work done or contracted to be done, under the provisions of this act, shall be paid for in bonds, but all such work shall be paid out of the proceeds arising from the sale thereof.

Work, how
paid for.

Sec. 5. Be it further enacted, That before the bonds herein provided for shall be issued, the commissioners of registration shall, and it is hereby made their duty to, hold an election on the first Tuesday in November, 1899, and said election shall be held according to the laws regulating such elections existing in the State of Tennessee, and the officers charged with the duty of providing for the registration of voters in general elections, and the management of general elections in the city of Chattanooga, are hereby charged with the duty of providing for the registration of voters, and the conduct of any election held under this act, and all expenses of registration and election, shall be borne by the mayor and aldermen of the city of Chattanooga. Whenever any election shall be held under the provisions of this act, the officers of election shall make a return thereof in the manner and to the person prescribed by law in general municipal elections, and the vote shall be canvassed and the result decided and announced in the method now provided by law for such elections. At said elections to be held as herein set out in this section, the commissioners of registration shall furnish, according to the laws now existing and regulating elections in this state, tickets to be used in said election, and upon said tickets shall be printed, first, "For the issuance of \$650,000 Waterworks Bonds," and, second, "Against the issuance of \$650,000 Waterworks Bonds," and voters shall mark their ballots as provided by law, and all persons qualified to vote for mayor and aldermen of said city may vote. If at said election two-thirds of the votes cast

Election as to
issuance.

Ballots; two-
thirds majority

Another election.

shall be in favor of the issuance of said bonds, then said bonds shall be issued as provided for in this act; Provided, That if at said election two-thirds of the votes shall fail to be cast in favor of said bonds, then it is hereby made the duty of said commissioners of registration to hold another election upon a demand therefor by a majority vote of the board of mayor and aldermen of Chattanooga, said second election to be at such time as may be fixed in the resolution of said board of mayor and aldermen demanding said election, not however within six months from the date of the election herein first provided for; and said commissioners of registration shall hold said second election in all respects as hereinbefore provided for said first election, subject to the same rules of procedure and decision, and if at said second election two-thirds of all the votes cast shall be in favor of the issuance of said bonds, then the same shall be issued.

Sec. 6. Be it further enacted, That in the event two-thirds of all votes cast at either the first or second elections be in favor of the issuance of said bonds, the proceeds of said bonds shall be expended by and under the direction and supervision of a waterworks commission, which shall be created as hereinafter provided, with the rights, powers, and duties of this act declared.

Commission; election; term; vacancy.

Sec. 7. Be it further enacted, That a commission is hereby created, consisting of three members, who shall be resident citizens of the city of Chattanooga, to be known as the "Waterworks Commission." Said waterworks commission shall be elected by the qualified voters of said city on the same date during the month of October, 1899, elections are held for the purpose of choosing the mayor and aldermen of said city, and every two years thereafter on the same day elections are held for the purpose of choosing the mayor and aldermen of said city, and at such elections provided for in this section one member shall be designated and chosen as chairman of said commission. Said commissioners shall serve for two years, the term to be reckoned from the date the mayor and aldermen of said city are installed into office; Provided, That said commissioners shall only serve and be entitled to compensation in the event the bonds provided for in this act are issued; Provided further

That in case of resignation, death, or removal of any of said commissioners, the board of mayor and aldermen shall elect a successor to fill out the unexpired term of such commissioner.

Sec. 8. Be it further enacted, That before entering upon the duties of said office, each of said commissioners shall give a bond in the sum of \$10,000 with two or more individual securities, good and solvent, or signed by a guarantee company doing business in the State of Tennessee, and approved by the board of mayor and aldermen of said city of Chattanooga, and conditioned to faithfully perform the duties imposed upon them by law, and especially in accordance with this act, and shall furthermore swear or affirm before a justice of the peace, notary public, or any other officer competent to administer an oath, that they will faithfully perform the duties of their office. Bond and oath.

Sec. 9. Be it further enacted, That the chairman of said commission shall receive for his service, as compensation, a sum not to exceed \$1,500 per annum, and the other two commissioners shall receive as compensation a sum not to exceed \$500 per annum each, payable out of the waterworks fund account hereinafter provided for; said salaries to be fixed by the board of mayor and aldermen within the prescribed limits of this act. Salaries.

Sec. 10. Be it further enacted, That it shall be the duty of the said waterworks commission, and it is hereby vested with power to erect or purchase a waterworks plant and provide a system of waterworks suitable to the needs of the inhabitants of the city of Chattanooga and the environs or suburbs thereof; in case of erection of a plant to procure for the benefit of said city and its environs or suburbs, by purchase or condemnation in the name of the mayor and aldermen of the city of Chattanooga, all necessary sites, both outside and inside the corporate limits of Chattanooga, for machinery, buildings, stand pipes, and reservoirs; to let contracts for the building and erection of said buildings, standpipes, and reservoirs, as well as the laying of pipes, machinery, mains, and material necessary to be used in the construction of waterworks plant; all work done under the order of said waterworks commission out of the proceeds of said bonds, also all work done with funds received Erect or purchase waterworks.

Who may not
be interested in
contracts; how
advertised.

As to purchase
of plant.

from any other source when the cost shall exceed one hundred dollars, shall be let to the lowest responsible bidder, the waterworks commission to be the judge thereof, and having the right to reject any and all bids; Provided, No member of the board of mayor and aldermen, board of public works, waterworks commission, nor any of the officers or employes of either board shall, in any way, be interested, directly or indirectly, in any contract let or work done under contract of said commission, and any violation of this provision shall render any such contract null and void, and no payment shall be made nor recovery had for any work done in violation of this provision; and it is hereby made the duty of said waterworks commission to see that this provision is carried out; Provided further, That in all cases under the provisions of this act, when work is to be let to the lowest bidder, the same shall be advertised for sealed bids by a plain poster in the city hall, and if the amount to be let exceeds in value five hundred dollars, then in at least two newspapers published in the city of Chattanooga in addition to said poster, for at least ten days and longer in the discretion of the commission. And all bids received shall be opened and read in open session of the commission with a quorum present, at a time fixed in the advertisement; And provided further, That the plans and specifications of such work shall be on exhibition in the office of said waterworks commission during the entire time of the advertisement; And provided further, That it is hereby made the duty of said waterworks commission, immediately after the election at which said bonds shall have been voted for by a majority of two-thirds of the votes cast, before the issuance of the bonds hereunder, and before proceeding to erect or contract for the erection of said waterworks plant hereunder, to ascertain from any person, persons, corporation, or corporations, the owning a waterworks plant in the city of Chattanooga, the lowest cash price at which such owner will agree to sell the same to the city of Chattanooga, containing, if practicable, said information in the shape and form of a written bid, offer, or proposal; said waterworks commission shall thereupon proceed to investigate with due care the condition, cost, and true value of said waterworks plant or plants, and shall

prepare in writing a detailed report setting out said condition, cost and actual value, and shall submit said report to the board of mayor and aldermen of the city of Chattanooga, together with the written recommendations of said waterworks commission indorsed thereon as to the purchase of said plant, and said commission may employ such experts or expert to assist in said investigation as the said commission shall deem necessary; and the board of mayor and aldermen shall consider said report and offer and recommendation in open meeting, and shall thereupon pass a resolution approving or disapproving the purchase of said waterworks plant or plants, and if said board of mayor and aldermen shall by resolution approve the purchase of said waterworks plant, then the said commission may, a majority thereof concurring with the recommendation of said board, proceed to purchase the said waterworks plant; but after the said board of mayor and aldermen shall have, by resolution, recommended the purchase of said plant or plants, then the said commission shall have no authority to build or erect a new waterworks plant hereunder, nor shall said bonds be issued for such purpose.

Board of mayor
and aldermen
to approve or
reject.

Sec. 11. Be it further enacted, That said waterworks commission shall have full control of the expenditures of the fund arising from the proceeds of the sale of the bonds herein provided for, shall also have full control and authority over the waterworks plant erected or purchased, also all standpipes, reservoirs, and buildings for machinery, and shall also employ all necessary labor, clerks, and machinists to operate said waterworks plant, when completed or purchased.

Commission's
authority.

Sec. 12. Be it further enacted, That said waterworks commission shall have full power and authority to fix rates to be charged for water used by consumers, and to charge such prices for the same as may be agreed upon between said commission and said consumers, and consumers shall be subject to all such reasonable rules and regulations respecting the use and waste of water as the waterworks commission and the board of mayor and aldermen of the city of Chattanooga may from time to time prescribe.

Water rates.

Sec. 13. Be it further enacted, That said water-

Accounts, re-
ports, etc.

works commission shall keep books of record of all their proceedings, and books of accounts of all their expenditures for whatever purpose and whatever account, and take proper vouchers for all such expenditures, and shall keep accounts of all receipts from whatever sources, and shall render unto the board of mayor and aldermen statements of such receipts and disbursements on the first day of each and every month, and, on the first day of July of each year, shall render unto the board of mayor and aldermen general report of business done, together with such suggestions to said board as the commission may deem expedient and necessary for the proper operation of said waterworks plant for the next year.

Sec. 14. Be it further enacted, That said waterworks commission shall also have absolute control of the expenditures of all moneys and funds arising from taxation or any other source for waterworks purposes.

Funds paid
into treasury;
paid out on
warrant.

Sec. 15. Be it further enacted, That the proceeds of all bonds issued under this act, and all funds derived from the operation of the plant, shall be paid into the city treasury, and be at once deposited by the city treasurer in the designated city depositories on a separate account from all other funds, known and designated as the waterworks fund account, and be paid out by the city treasurer on the warrant of the chairman of the waterworks commission, signed by at least one of his associates; Provided, Said warrants shall each show on their face for what work or material or other purpose, and on what account issued.

Chairman's
duties.

Sec. 16. Be it further enacted, That it shall be the duty of the chairman of the waterworks commission to preside at all meetings of the commission, to superintend the preparation of all reports, to give his entire time and services to the business of the commission, and to faithfully carry out all its orders.

Offices pro-
vided.

Sec. 17. Be it further enacted, That it shall be, and it is hereby, made the duty of the board of mayor and aldermen of the city of Chattanooga to provide all proper or necessary offices for said waterworks commission, and those working under it, as other city officers are provided.

Quorum;
meetings.

Sec. 18. Be it further enacted, That a majority of the waterworks commission shall constitute a quorum for the transaction of all business, and its regu'

meetings shall be on the first and third Tuesdays of every month; Provided, That special meetings can be called at any time by the chairman or the majority of the commission.

Sec. 19. Be it further enacted, That the charter of the city of Chattanooga, and all acts amendatory of said charter, and all part of said acts, shall be, and the same are hereby, amended so as to conform to the provisions of this act and any and all other laws or parts of laws in conflict with this act are hereby repealed, and that this act take effect from and after its passage, the public welfare requiring it.

Passed April 19 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved April 22, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 300.

SENATE BILL No. 173.

AN ACT to be entitled, An act to amend an act passed March 19, 1875 (acts 1875, chapter 142), entitled, "An act to provide for the organization of corporations."

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That chapter 142, of the acts of 1875, entitled "An act to provide for the organization of corporations," approved March 23, 1875, be, and the same is hereby, amended so as to embrace lighting and heating companies, and the manufacture of lamps and heaters to be used for such purposes.

Sec. 2. Be it further enacted, That the form of charter for such company shall be as follows:

State of Tennessee.

Charter of Incorporation.

Be it known, That by virtue of the general laws of the land (here insert the names of five or more corporators over the age of twenty-one years), are hereby constituted a body politic and corporate, by the name and style (here insert the name of the corporation, and the nature of business proposed to be transacted). The general powers of said corporation are (here insert the powers as contained in section five (5) of the act of 1875, chapter 142).

Sec. 3. Be it further enacted, That such corporation shall have the right to purchase, use, or dispose of such patent rights as may be necessary or useful in its business in as full and ample a manner as is allowed by law to individuals, and may receive the assignment of any such patent right in payment of any stock subscribed to the amount of the value of said patent, as agreed on by the subscriber and the corporation.

Sec. 4. Be it further enacted, That the public welfare requiring it, this act take effect from and after its passage.

Passed April 12, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved April 21, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 301.

SENATE BILL No. 291.

AN ACT to amend an act entitled, "An act to establish taxing districts in this state, and provide means of local government for the same," passed January 29, 1879, and all amendments thereto, so as to authorize and empower the city of Memphis to provide, by ordinance, for the collection of its current and delinquent taxes, and to vest in such city full power to adopt and enforce such measures as may be necessary or expedient for this purpose.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the act passed January 29, 1879, entitled, "An act to establish taxing districts in this state, and provide means of local government for the same," and all acts amendatory thereof, be, and they are hereby, so amended as to authorize and empower the city of Memphis to provide, by ordinance, for the collection of its current and delinquent taxes, and to accomplish this purpose said city, through its legislative council, is vested with the power to establish the office of tax receiver, or to elect or employ by said legislative council, any person for such purpose; to fix the time and place for the payment of its taxes, and when the same shall become delinquent, to fix the penalties and costs on delinquent taxes, and to provide for the advertisement and sale of property upon which delinquent taxes may be due; and said city is vested with full and complete power to establish, by ordinance, and to enforce in any manner advisable, any and all measures necessary and expedient for the collection of the current and delinquent taxes of such city, and all such measures and acts of all officers and persons acting thereunder shall be as valid and binding as if such measures were enacted by the legislature; Provided, That in no event shall said city of Memphis pay more than three thou-

sand dollars per annum for the collection of the taxes of said city.

Sec. 2. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 7, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved April 19, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 302.

SENATE BILL No. 426.

AN ACT to abolish the criminal court of Montgomery county, and to repeal chapter 115 of the Acts 1870, entitled, "An act to establish a criminal court in the county of Montgomery," passed July 8, 1870, and approved July 8, 1870, and to repeal chapter 13, Acts of 1895, entitled "An act to detach the county of Montgomery from the eighth chancery division of Tennessee, and to require the judge of the county and criminal court of Montgomery county to hold also the chancery court of said county," passed January 30, 1895, approved February 1, 1895.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the criminal court of Montgomery county be, and the same is hereby, abolished.

Sec. 2. Be it further enacted, That chapter 115 Acts of 1870, entitled, "An act to establish a criminal court in the county of Montgomery," and chapter 13 Acts 1895, entitled, "An act to detach the county of Montgomery from the eighth chancery division of Tennessee, and to require the judge of the county

criminal court of Montgomery county to hold also the chancery court of said county," be, and the same is hereby, repealed.

Sec. 3. Be it further enacted, That this act shall take effect thirty days after the final adjournment of the present legislature, the public welfare requiring it.

Passed April 14, 1899.

SEID WADDELL,

Speaker of the Senate.

JOSEPH W. BYRNS,

Speaker of the House of Representatives.

Approved April 20, 1899.

BENTON McMILLIN,

Governor.

CHAPTER 303.

SENATE BILL No. 683.

AN ACT to amend an act entitled, "An act to amend an act entitled, 'An act to provide for the creation and organization, and defining the powers of municipal corporations embracing territories of cities having a population of 36,000, and upwards, according to the federal census of 1880, whose charters have been abolished, being chapter 114, acts of 1883; and to repeal sections 3, 7, 8, 9, 26, and 33, of said chapter 114, of the acts of 1883; and to repeal sections 1 and 2 of chapter 127, of the acts of 1893, entitled, "An act to amend chapter 114, of the acts of 1883, entitled, "An act to provide for the creation and organization, and defining the powers of municipal corporations embracing territories of cities having a population of 36,000, and upwards, according to the federal census of

1880, and to repeal chapter 159 of the acts of the general assembly of 1891, being an act entitled, "An act to amend an act entitled, "An act to provide for the creation and organization, and defining the powers of municipal corporations embracing territories of cities having a population of 36,000, and upwards, according to the federal census of 1880, whose charters have been abolished," passed by the general assembly of the State of Tennessee, March 21, 1883, and approved by the governor March 27, 1883, so as to provide for the eligibility of persons residing in the territory recently annexed to said municipal corporations, to the office of mayor and councilmen, and to repeal section 3 of chapter 8, of the acts of the general assembly of 1893, entitled, "An act to amend chapter 114, of the acts of assembly of 1883, entitled, An act to provide for the creation and organization, and defining the powers of municipal corporations embracing territories of cities having a population of 36,000, and upwards, according to the federal census of 1880, whose charters have been abolished, by providing for a board of education, and fixing its powers and duties, passed April 5, 1899, and approved April 12, 1899.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the act passed by the general assembly of the State of Tennessee, April 5, 1899, and approved by the governor April 12, 1899, the same being the act described in the caption hereof, be, and the same is hereby, amended by adding thereto the following: "In all cases of vacancies in office under the act which this act amends, and where new offices are created thereby, the governor of the state shall be, and is hereby, authorized and empowered to fill, by appointment, all such offices, and the appointees shall hold such and discharge all the duties appertaining thereto, as fixed by the act of which this is amendatory, until said offices shall be filled as provided for by law, and shall receive the compensation provided for in said act."

Sec. 2. Be it further enacted, That this act tak

effect from and after its passage, the public welfare requiring it.

Passed April 20, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved April 20, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 304.

SENATE BILL No. 91.

AN ACT to amend an act entitled, "An act to provide for the organization of corporations," passed March 19, 1875, and approved March 23, 1875, being chapter 142, of the compilation of the acts of the general assembly of the State of Tennessee, of 1875, so as to allow corporations organized for the purpose of carrying on trade of merchants, to buy and sell and deal in agricultural products, and to buy and sell and deal in merchandise.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That section 12 of chapter 142, of the acts of the general assembly of the State of Tennessee, passed March 19, 1875, and approved March 23, 1875, entitled, "An act to provide for the organization of corporations," be, and the same is hereby, amended as follows: Corporations organized for the purpose of carrying on the trade of merchants are hereby authorized and empowered to buy and sell and deal in agricultural products, and to buy and sell and deal in merchandise.

Sec. 2. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 21, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved April 22, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 305.

SENATE BILL No. 67.

AN ACT to repeal chapter 57 of the Acts of 1889, passed March 12, 1889, entitled, "An act to change the line between the counties of Cannon and Warren, and to restore the territory to Warren county, Tennessee.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That chapter 57, of the Acts of 1889, passed and approved the 12th of March, 1889, be, and the same is hereby, repealed, and the territory therein described and known as the "old Gordon farm," be placed back in Warren county, Tennessee.

Sec. 2. Be it further enacted, That this act take effect from and after the passage of this bill, the public welfare requiring the same.

Passed April 21, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved April 22, 1899.

BENTON McMILLIN,
Governor

CHAPTER 306.

SENATE BILL No. 232.

AN ACT to repeal an act passed March 17, 1897, being chapter 23 of the Acts of 1897, entitled, "An act to make it lawful for parties lending money in Tennessee, wholly secured by mortgages on property in other states, to contract for such rates of interest as is allowed by the laws of the state where the mortgaged property is situated, and to permit lenders in all cases of loans heretofore made in this state, and wholly secured by mortgages on property in other states, to collect the principal loaned, with interest at the rate contracted for, provided it does not exceed the rate allowed by the laws of the state where the property lies.

Be it enacted by the General Assembly of the State of Tennessee.

Section 1. That said act, chapter 23 of the Acts of 1897, the title of which is set out in the caption hereof, be, and hereby is, repealed.

Sec. 2. That this act take effect from and after its passage, the public welfare requiring it.

Passed April 18, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved April 22, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 307.

SENATE BILL No. 336.

AN ACT to be entitled an act to amend "An act to regulate and restrict the payment of costs and fees in criminal prosecutions," being chapter 20 Acts of 1897.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That subsection 1 of section 1, chapter 20, Acts of 1897, be amended by inserting after the word "bigamy," and before the word "where," the words, "larceny and assault with intent to commit murder," so that subsection 1 shall read as follows:

1. Cases of homicide, rape, robbery, burglary, arson, embezzlement, incest, bigamy, larceny, or assault with intent to commit murder, where the prosecution has proceeded to a verdict in the circuit or criminal court; Provided, That in cases of larceny and assault with intent to commit murder no costs shall be paid by the state any county except the costs accruing to the clerk of the court in which the case is tried, and the sheriff or other officer executing the processes in the case.

Sec. 2. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 17, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representative

Approved April 22, 1899.

BENTON McMILLIN,
Governor

CHAPTER 308.

SENATE BILL No. 436.

AN ACT to provide for the locating and marking of the state line between this state and the State of Virginia, and authorize and empower the governor and attorney-general of this state to take such legal steps as may be necessary for this purpose, and to appropriate a sufficient sum to pay the expense of doing the same.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the governor be, and he is hereby, authorized and empowered to communicate with the governor of Virginia and to make provision and arrangements and take all necessary steps for the running and marking of the state line between this state and said State of Virginia in accordance with the decision of the supreme court of the United States, and to have durable monuments set up along said line. And the governor and attorney-general of the state are authorized and empowered to take such legal steps or bring such suits as may be necessary for the purpose of definitely settling the line between the said two states.

Sec. 2. Be it further enacted, That a sufficient amount be, and the same is hereby, appropriated out of the state treasury to effectuate the purpose of this act, to be paid out upon the comptroller's warrant to be issued upon the governor's certificate of the correctness of such amount.

Sec. 3. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 21, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved April 22, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 309.

SENATE BILL No. 515.

AN ACT for the protection of game in Hamblen county.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That hereafter it shall be unlawful for any person or persons to hunt on the lands of another without the consent of the owner first had and obtained.

Sec. 2. Be it further enacted, That it shall be unlawful for any person or persons to ship from Hamblen county, Tennessee, any quail or partridges at any season of the year, or kill, catch, or entrap any quail or partridges for the purpose of shipment, or to be carried out of Hamblen county for shipment.

Sec. 3. Be it further enacted, That any person or persons violating this act, or any of its provisions, when convicted, shall be fined for each offense not less than ten dollars nor more than fifty, and imprisoned at the discretion of the court; and that it be unlawful for any person or persons to destroy the nest or eggs of quail in said county.

Sec. 4. Be it further enacted, That grand juries shall have inquisitorial powers of all violations of this act, and the same to be given in charge by circuit court judge to the grand juries.

Sec. 5. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 21, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.
Approved April 22, 1899.

BENTON McMILLIN,
Governor

CHAPTER 310.

SENATE BILL No. 604.

AN ACT to repeal an act entitled an act to amend an act to incorporate the town of Newbern, in Dyer county, provide for the election of officers, and prescribe their duties, being chapter 224 of the published acts of the legislature of 1887, and all amendatory thereof by extending the limits of said town of Newbern, passed March 24, 1899, and approved March 27, 1899.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the act of the act of the general assembly of the State of Tennessee to extend the corporation of Newbern, in Dyer county, Tennessee, passed March the 24, 1899, and approved March 27, 1899, and being chapter 81 of said acts, and house bill No. 645, be, and the same is hereby, repealed.

Sec. 2. Be it further enacted, That all laws in conflict with this are hereby repealed, and that this act take effect from and after its passage, the public welfare requiring it.

Passed April 21, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved April 22, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 311.

SENATE BILL No. 645.

AN ACT to amend an act entitled “A bill to be entitled an act to abolish the offices and remove certain district attorneys and their assistants, and apportion and divide the criminal business among the remaining district attorneys of the state, passed by the present general assembly of the State of Tennessee.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the act passed by the present general assembly of the State of Tennessee, entitled a bill to be entitled an act to abolish the offices of and remove certain district attorneys and their assistants, and apportion and divide the criminal business among the remaining district attorneys of the state,” be, and the same is hereby, amended by striking out the whole of section five (5) of said act and insert in lieu thereof and make said section five read as follows: Section 5. Be it further enacted, That the attorney-general for the eleventh judicial circuit shall attend upon and perform all the duties of that office as prescribed by law in all the circuit courts of the counties of Henderson, McNairy, Chester, Perry, Decatur, and Madison, including and embracing in his duties to attend upon and perform the duties of attorney for this state in the circuit courts held in said county of Madison by the judge of the eighteenth judicial circuit, and in said courts prosecute all crimes and offenses against the state in said county of Madison, and in all other respects perform and discharge the duties of attorney for the state in said circuit courts of said county of Madison held by the judge of the eighteenth judicial circuit. And the attorney-general of the (12th) twelfth judicial circuit shall attend upon and perform all the duties of the office in the circuit court of Benton court

and that this act take effect thirty (30) days after its passage, the public welfare so requiring.

Passed April 21, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved April 22, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 312.

SENATE BILL No. 270.

AN ACT to regulate and organize municipal corporations of certain population, and for the increase and diminution of their powers.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That section 2 of an act passed March 23, 1877, and approved March 26, 1877, it being chapter 121 of said acts, be, and the same is hereby, so amended as to strike out all of section 2 after the word "any" in the fourth line, and insert therefor "fifty freeholders, all of whom shall reside within the territory to be incorporated."

Sec. 2. Be it further enacted, That all corporations incorporated hereafter under said acts shall contain not less than one hundred persons, who shall be actual residents of the territory to be incorporated, and shall own real estate included in said territory to be incorporated with not less than five thousand dollars.

3. Be it further enacted, That this act take

effect from and after its passage, the public welfare requiring it.

Passed April 18, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved April 20, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 313.

SENATE BILL No. 435.

AN ACT to authorize Lake county to issue fifty thousand dollars in county bonds of said county for the purpose of building levees in said county, and for removing drifts and obstructions out of the scatters of Reelfoot Lake, so as to permit the free passage of water through the scatters from said lake and to reclaim the overflowed lands in said county.

May issue
bonds; course
of levees.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the county of Lake, by and through its chairman or county judge of the county court, be, and he is hereby, authorized and empowered to issue county bonds of said county to an amount not exceeding fifty thousand (\$50,000) dollars, to bear interest at the rate not exceeding six (6) per cent. per annum, and to run not exceeding fifty years, the proceeds arising from the sale of said bonds to be used for building and erecting levees, one on the west side of Reelfoot Lake, beginning at a point on the highland near Jordon H. Thompson's farm, running thence south to the foot of Horn Ridge in district No. 5 of Lake county near the south boundary line of a nine hundred and eighty-five acre tract of land known as the Baker tract of land. The levee to commence on the highland about one

mile south of Tiptonville, in Lake county, and running thence south nearly parallel with and on the east bank of the Mississippi river to the southeast corner of the Murphy tract of land in district No. 3 of said county, and to remove the drifts and obstructions through the scatters of Reelfoot Lake so as to permit the free passage of the waters through from Reelfoot Lake south to the Dyer county line.

Sec. 2. Be it further enacted, That said bonds shall be signed by the chairman or county judge of the county court of the said county, and countersigned by the clerk of the said county court with his official seal affixed to the same. Said bonds shall be in the denomination of \$100, \$500, and \$1,000, and run and be due and payable at such time not exceeding fifty years as may be decided by said court; said bonds to be numbered consecutively in the order of their issuance beginning with one.

Signature; denomination; numbering.

Sec. 3. Be it further enacted, That each of said bonds shall have attached to them interest coupons, showing the amount of each annual installment of interest due on said bonds according to the rate fixed by the court not exceeding six (6) per cent. per annum, and when the same shall fall due; which coupons shall be signed in the same manner as the said bonds, but without the official seal of the clerk, and showing on their face the number of the said bonds to which they are attached.

Coupons.

Sec. 4. Be it further enacted, That it shall be the duty of the county court of the said county annually to levy a tax on the taxable property in said county for the purpose of paying the annual interest due on said bonds, and after the expiration of ten (10) years for the purpose of creating a sinking fund to pay said bonds when due; and the trustee of said county shall collect and account for said tax when collected, and receive the same compensation for his services that he is allowed by law for collecting the state and county taxes.

Interest and sinking fund tax.

Sec. 5. Be it further enacted, That said bonds shall not be sold for less than their par value.

Sec. 6. Be it further enacted, That the chairman or county judge of said county shall cause to be made well bound book to be kept by him, and to be denominated the levee and coupon book, in which the

Bond book.

levee commissioners hereinafter mentioned. Said commissioners, after being duly appointed and qualified, shall take charge of said levee bonds issued under the provisions of this act, sell the same as prescribed in this act, not less than the par value, and with the proceeds have said levee built as herein directed. They are also hereby empowered and authorized to employ the necessary engineer for the purpose of making all necessary surveys and locating the place for said levees. These commissioners are also authorized and are hereby empowered to solicit, receive, and collect donations in money or land and procure subscriptions in money or land in addition to the said fifty thousand dollar bonds to aid in the building of the said levees; to bring all necessary suits to collect said subscription, superintend and supervise the building of said levees; and they are hereby authorized and empowered and directed to use so much of the proceeds of the sale of said bonds, as well as subscriptions that they may be able to obtain, as may be necessary to remove all drifts and obstructions from Reelfoot Lake through the scatters of the same to the Dyer county line, so as to permit a free passage of water through said scatters as well as the building of said levees. And said commissioners shall receive as compensation for their services as levee commissioners such an amount as the quarterly county court of said county may appropriate for that purpose.

Sec. 9. Be it further enacted, That after the expiration of ten years from the issuance of said bonds as herein provided, the trustee of said county may redeem and pay any of said bonds presented for redemption and payment, out of any money that may be in his hands derived from said sinking fund tax, or may receive said bonds in payment of said sinking fund tax, and after the expiration of the ten years as aforesaid, it shall be the duty of said trustee to call for such an amount of said bonds as the sinking fund in his hands will redeem, calling for them by number, and redeeming them in the order in which they were issued, such as are outstanding, and for this purpose he shall have access to the chairman's book in which said bonds are numbered.

Redemption of
bonds.

Sec. 10. Be it further enacted, That the call for the bonds as provided for in section 9 of this act shall be

Call for bonds.

made on order of the chairman or county judge of said county court by advertising the same in any newspaper published in said county for thirty days, setting out the number and denomination of said bonds called for payment, and such bonds called for and not being presented for payment at the expiration of the said thirty days, the interest accumulating after the said thirty days shall not be paid, but forfeited, and interest thereon shall cease from that date. Said bonds shall be payable in legal tender money of the United States, and if there is no newspaper published in the said county of Lake, then the publication required in this act shall be made in a weekly newspaper published in the adjoining county of Dyer; the county judge or chairman of said Lake county to designate and determine in which paper in Dyer county said advertisement shall be made.

Sec. 11. Be it further enacted, That all laws and parts of laws in conflict with this act be, and the same are hereby, repealed, and that this act take effect from and after the date of its passage, the public welfare requiring it.

Passed April 18, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved April 20, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 314.

SENATE BILL No. 498.

AN ACT to amend an act passed March 15, 1883, amending an act passed December 4, 1843, and creating a graded school in conjunction with the common school in first district of Macon county, Tennessee, and to establish a college in lieu of said graded school.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That sections 2, 3, and 4 of said act, passed 1883, be, and the same are hereby, repealed.

Sec. 2. Be it further enacted, That section 1 of said act, passed March 15, 1883, be so amended as to read that all the property, both real and personal, that belongs to the Macon county academy and common school of first district, shall be turned over to the board of trustees and common school directors hereinafter mentioned, to be by them sold, conveyed, used, and controlled by said trustees and directors of said first school district of Macon county, for the purpose of establishing a college in conjunction with the common school of said school district.

Certain property may be sold.

Sec. 3. Be it further enacted, That I. L. Roark, J. M. Marshall, J. S. Wooten, H. T. Meadow, W. H. Carter, W. H. Smith, P. B. West, W. H. Gregory, W. L. Chamberlain, W. B. Bratton, F. A. Selley, J. H. Key, M. B. Freeman, T. H. Jackson, T. E. Foust, W. A. Smith, in conjunction with M. H. Allen, E. H. Bratton, J. J. Carter, and their successors in office, as directors of said first school district, are all appointed as trustees and directors of Lafayette college, eight to constitute a quorum. Said college shall have a succession for a period of ninety-nine years, under the aforesaid name of Lafayette college, possessing full power to sue and be sued, plead and be impleaded in any of the courts

Trustees.

of law or equity in the state, and to have a common seal.

Powers of trustees.

Sec. 4. Be it further enacted, That said trustees and directors, and their successors, under the style aforesaid, shall have power to acquire and hold real and personal property, and to sell and dispose of the same for the use and benefit of said college and common school, and to have power to create professorships and employ teachers, and receive any sum of money or gift of property of any kind for the benefit of said college, and for that purpose may open subscription books to receive subscriptions of stocks, under such rules and regulations as may be provided by the rules and regulations, or by-laws, as may be adopted by said trustees and directors.

Diplomas.

Sec. 5. Be it further enacted, That the professors of the collegiate courses shall have power to issue diplomas to those having made suitable proficiency in the proper course of study to entitle them to the same, which diplomas to be countersigned by the president, under the seal of the college.

Oath.

Sec. 6. Be it further enacted, That said trustees and directors, before entering upon their duties, shall take an oath before some one authorized to administer the oaths, for the faithful performance of their duties, and shall have full power to make and establish such by-laws, rules and regulations for the establishment and government of said college as they may think necessary, not inconsistent with the constitution and laws of the State of Tennessee.

Assessments on stock.

Sec. 7. Be it further enacted, That if the board of trustees and directors, under their by-laws, should adopt the assessment plan upon subscribed stock for use and benefit of said college and school, they shall not be at liberty to assess and collect more than three per cent. annually, without the consent of the stockholders, to be given by ballot, fixing the additional per cent. that he, she, or they may be willing to pay, respectively.

Trustees; term and election of.

Sec. 8. Be it further enacted, That said trustees shall hold their office for the term of two years from and after the passage of this act, and until their successors are elected and qualified, who shall be elected by the stockholders of said college, the election to

held at a place to be fixed by the by-laws on the first Thursday after the second Monday in May, 1901, and every two years thereafter, at which election eight only to be elected as the board of trustees.

Sec. 9. Be it further enacted, That said trustees and directors shall organize by electing from their body one president, one vice-president, one secretary, and one treasurer, and should any vacancy occur in the board of trustees by death, resignation, or failure and refusing to act, the board may fill such vacancies until the next regular election.

Trustees to organize; vacancy.

Sec. 10. Be it further enacted, That it shall be the duty of the president of the board to call a meeting of the trustees and directors and stockholders to decide by a majority vote the place of location of the college, the size and dimensions of the building, and its approximate cost, and to carry out such plans as may be adopted.

Location of college, etc.

Sec. 11. Be it further enacted, That all laws and parts of laws coming in conflict with this act are hereby repealed, and that this act take effect from and after its passage, the public welfare requiring it.

Passed April 18, 1899.

SEID WADDELL.

Speaker of the Senate.

JOSEPH W. BYRNS,

Speaker of the House of Representatives.

Approved April 20, 1899.

BENTON McMILLIN,

Governor.

CHAPTER 315.

SENATE BILL No. 585.

AN ACT to authorize Union county to issue bonds for the purpose of building macadamized roads in said county, and to provide for payment of said bonds and interests.

Amount, interest, maturity.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the county of Union, by, and through its quarterly county court, be, and is hereby, authorized and empowered to issue the bonds of the county to an amount not exceeding fifty thousand dollars, to bear interest at a rate not exceeding six per cent. per annum, and to run not exceeding fifty years, the proceeds to be used for building macadamized roads in said county, as the county court may order and direct.

Signature; amount; denomination.

Sec. 2. Be it further enacted, That said bonds shall be signed by the chairman or judge of the county court of said county, and countersigned by the clerk of said county court, with his official seal affixed to the same; shall be in such amounts not exceeding fifty thousand dollars, as may be ordered by the court, and to be in such denominations, not exceeding one thousand dollars each, and run for such time not exceeding fifty years, as may be decided upon by the court, said bonds to be numbered consecutively, in the order of their issuance, beginning with one. Said bonds and interest to be paid in legal tender money of the United States.

Coupons.

Sec. 3. Be it further enacted, That each of said bonds shall have attached to it interest coupons showing the amount of each semiannual installment of interest on said bonds, according to the rate fixed by the court, not exceeding six per cent. per annum, and when the same shall fall due, which coupons shall be signed in the same manner as the bonds, but without the official seal of the clerk, and showing on the

face the number of the bonds to which they are attached.

Sec. 4. Be it further enacted, That it shall be the duty of the county court annually to levy a tax on the taxable property and privileges of said county for ^{Interest and sinking fund} tax. the purpose of paying the annual interest on said bonds, and for the purpose of creating a sinking fund to pay said bonds when due, and the trustee shall collect and account for said tax, receive the same compensation he is allowed by law for collecting the county tax.

Sec. 5. Be it further enacted, That said bonds shall not be sold for less than their par value.

Sec. 6. Be it further enacted, That the chairman or judge of the county court of said county shall cause ^{Bond book.} to be made a well-bound book, to be kept by him, to be denominated the bond and coupon book, in which the number of each bond, the date of issuance, the amount, and when due, shall be entered. Said bond book shall be so arranged that when the bonds and coupons are paid and canceled, the same may be preserved by pasting them in said bond book, and it shall be the duty of said chairman, after settlement with the trustee and collector, to take charge of said bonds and coupons, and cause the same to be pasted in said book, and to preserve said book as a record of his office.

Sec. 7. Be it further enacted, That all acts and parts of acts in conflict with this, be, and the same are hereby, repealed.

Sec. 8. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 18, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved April 21, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 316.

SENATE BILL No. 406.

AN ACT to change the county line between Rutherford and Cannon counties.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the line between the county of Rutherford and the county of Cannon, be, and the same is so changed as to include all of the land of Dr. Z. F. Dismukes in Rutherford county.

Sec. 2. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 20, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved April 21, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 317.

SENATE BILL No. 578.

AN ACT to change the line between Roane and Anderson counties.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the line between the counties of Roane and Anderson be, and the same is hereby, so changed as to include all of that part of a lot of Wm. M. Freels, which is now in Anderson county, in the county of Roane.

Sec. 2. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 20, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved April 21, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 318.

SENATE BILL No. 364.

AN ACT to authorize Lake county to issue bonds for the purpose of building a levee in said county, to protect the lands from overflow in said county from the waters of the Mississippi river.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the county of Lake, by and through its chairman or judge of the county court, be, and he is hereby, authorized and empowered to issue the bonds of the county to an amount not exceeding one hundred thousand (\$100,000) dollars, to bear interest at a rate not exceeding six (6) per cent. per annum, and to run not exceeding fifty years, the proceeds arising from the sale of said bonds to be used for building a levee, commencing at the highlands of Lake county near Slough Landing, in Lake county, running thence north with or near the Mississippi river to the state line dividing Tennessee and Kentucky; thence east with said state line to the bluffs or hills of Obion county.

Levee bonds;
amount; inter-
est; maturity.

Sec. 2. Be it further enacted, That said bonds shall be signed by the county judge or chairman of the county court of said county, and countersigned by the clerk of said county court, with his official seal affixed to the same; said bonds shall be in the denomi-

Signature;
denomination;
term.

at such time as the chairman or the county judge of said county shall direct, for the purpose of ascertaining the will of the qualified voters of the said county in reference to the issuance of said bonds, submitting the question of the issuance of said bonds to the qualified voters of said county. And said commissioners of election shall have tickets printed to be used by the electors and voted in said election, and on said tickets there shall be printed or written the words "for levee bonds," and on other tickets to be used at said election shall be printed or written "against levee bonds," and if a majority of the voters of said county, cast in said election, shall vote and have printed or written on their ballots for levee bonds, then, and in that event the county judge or chairman of said county shall be authorized to issue said bonds.

Sec. 8. Be it further enacted, That in case said bonds are issued the chairman or county judge of the county court of said county is hereby authorized and empowered to appoint three commissioners, who shall be citizens and freeholders of said county, who shall serve and their term of office shall not expire until the completion of the building of said levee, and in case of vacancy by the death or resignation of either of said commissioners or their refusal to serve as commissioners, the chairman or county judge of said county shall have the power to fill the vacancy by appointment, and said commissioners shall be required to give bond in such an amount as said county judge or chairman of the county court may require, and shall take and subscribe to an oath that they will faithfully discharge their duties as levee commissioners hereinafter mentioned. Said commissioners, after being duly appointed and qualified shall take charge of said levee bonds issued under the provisions of this act, sell the same as prescribed in this act, not less than the par value and with the proceeds have said levee built as herein directed. They are also hereby empowered and authorized to employ the necessary engineers for the purpose of making all necessary surveys and locating the place for said levees. These commissioners are also authorized and are hereby empowered to solicit, receive and collect donations in money or land, and procure subscriptions for money or land to aid in the building of said levee and to bring all suits neces-

Commissioners; term; vacancy; duties; salary.

sary for the collection of the subscriptions that may be made. To contract for the building of said levee, superintend and supervise the building of the same, and they are hereby directed to have said levees built according to the plans adopted by the general government in the building of levees along the Mississippi river. And said commissioners shall receive as compensation for their services as levee commissioners such an amount as the quarterly county court of said county may appropriate.

May build to
Hickman, Ky.

Sec. 9. Be it further enacted, That the commissioners are hereby authorized and empowered to build said levee from Slough Landing up the Mississippi river to Hickman, Kentucky, provided the citizens or authorities of Fulton county, Kentucky, will pay their pro rata part or offer such inducements by subscription to the levee fund, in money or land, that will make it to the interest of the citizens of Lake county to locate the levee on said route; And provided further, That if said donations are made by the citizens of Fulton county, Kentucky, so as not to cost the citizens of Lake county any more than it would cost if located on the Kentucky line.

Redemption.

Sec. 10. Be it further enacted, That after the expiration of ten years from the issuance of said bonds as herein provided, the trustee of said county may redeem any of said bonds presented for redemption out of any money that may be in his hands derived from said sinking fund tax, or may receive said bonds in payment of said sinking fund tax; and after the expiration of ten years as aforesaid, it shall be the duty of said trustee to call for such an amount of said bonds as the sinking fund in his hands will redeem, calling for them by number and redeeming them in the order in which they were issued of such as are outstanding, and for this purpose he shall have access to the chairman's book in which said bonds are numbered.

Call for bonds.

Sec. 11. Be it further enacted, That the call, as provided for in section 10 of this act, shall be made on order of the chairman or county judge of said county court by advertising the same in any newspaper published in said county for 30 days, setting out the number and denominations of said bonds so called for, and such bonds called for not being presented for payment at the expiration of said thirty days, the inter-

accumulating after said thirty days shall not be paid and forfeited, and the interest thereon shall cease from that date. Said bonds shall be payable in legal tender money of the United States, and if there is no newspaper published in the said county of Lake, and then the same shall be advertised in a newspaper published in the adjoining county of Dyer, the county judge or chairman of said county of Lake to designate and determine in which paper in Dyer county said advertisement shall be made.

Sec. 12. Be it further enacted, That all laws and parts of laws in conflict with this act be, and the same is hereby, repealed; and that this act take effect from and after the date of its passage, the public welfare requiring it.

Passed April 14, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved April 17, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 319.

SENATE BILL No. 159.

AN ACT to regulate the locating of toll gates on all turnpikes in Tennessee having but one toll gate.

Be it enacted by the General Assembly of the State of Tennessee, That every person, company or association incorporated in this state owning a turnpike not exceeding five miles in length, and authorized to take tolls thereon, shall not maintain more than one toll gate upon said turnpike, nor shall the one gate so authorized to be established be located nearer than one and one-half miles to any incorporated city or town; but the one gate authorized to be main-

tained may be moved to or located and maintained at any point on the said turnpike, not closer than one and one-half miles to such incorporated city or town; Provided, That this act shall not apply to counties having a population of less than 30,000 by the last or any future federal census.

Passed April 12, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved April 15, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 320.

SENATE BILL No. 354.

AN ACT to authorize turnpike companies to remove its gate embraced within an incorporated city.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That whenever a town or village located upon any incorporated turnpike shall obtain a charter and become an incorporated city, within the corporate limits of which there is a toll gate upon such turnpike, then such turnpike company may remove such toll gate to any point outside the corporate limits of such city such turnpike company may deem best, not exceeding one mile from corporate limits, and when located such toll gate shall not interfere with the location of any other toll gate upon such turnpike.

Sec. 2. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 18, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved April 20, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 321.

SENATE BILL No. 494.

AN ACT to amend section 2 of an Act passed March 28, 1881, entitled, "An Act to secure the improvement of the Cumberland river, as a navigable stream, and authorize the appointment of a commission for that purpose."

Whereas, The Tennessee legislature of 1881, responsive to the spirit of internal improvement contained in the state constitution, and recognizing the importance of the Cumberland river as a navigable stream, passed the Act of March 28, 1881, providing for the appointment of a commission to secure the improvement of said river; and,

Whereas, Since that date, through the efforts of the Hon. Benton McMillin, representative from the fourth congressional district, the congress of the United States has undertaken the improvement of same by the construction of a system of locks and dams, now under way, which, when completed, will afford slack water navigation to boats of ordinary tonnage all the year round, for the entire length of the Cumberland river; and,

Whereas, Said undertaking is a work of great magnitude, requiring thirty locks and dams, at an estimated cost of nine million dollars, and when com-

pleted will be of incalculable benefit to the entire Cumberland river valley, by converting the Cumberland river into a magnificent artery of commerce, both cheap and reliable, and will open up a section of country practically undeveloped, rich in mineral, arboreal and agricultural wealth, and add millions to the commerce of the state and nation; and,

Whereas, The work of improvement has progressed to the practical completion of seven locks in the Upper Cumberland and one lock in the Lower Cumberland, which is well under way, and which can be in a short time put into practical use while the other locks are being constructed, to which end it is most important to secure continued, and if possible larger appropriations for said work by congress; and,

Whereas, It is believed that said improvement and the necessary appropriations therefor can be advanced and aided by the continuation of a commission of citizens, to co-operate with and assist our representatives in congress in the very important undertaking, by gathering and presenting in memorial address such facts and statistics as tend to show the wealth and resources of the Cumberland river valley and the possibilities of the Cumberland river as an artery of commerce; therefore,

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That section 2 of the Act of 1881, entitled, "An Act to secure the improvement of the Cumberland river as a navigable stream and to authorize the appointment of a commission for that purpose, be, and is hereby, amended by striking out all after the enacting clause in section 2, and inserting the following: That it shall be the duty of said commissioners, within sixty days after the passage of this act, to organize by electing a president, vice-president, and secretary. The duties of said commission shall be to collect such data of the present tonnage of the Cumberland river and its tributaries, the character, kind, and extent of the mineral, arboreal, and agricultural wealth of the Cumberland river valley and territory tributary to said river, and present same from time to time in memorial address to congress, urging the importance of the early completion of said locks and dams, and the necessity for la

and more adequate appropriations therefor. Also needed improvements for its tributaries. Said commission is fully empowered to take all steps necessary and proper to secure the end indicated in this act. The headquarters of said commission shall be at Nashville, and with the commissioner of agriculture, statistics, and mines, if convenient. He shall provide said commission with all needful stationery, postage, etc., out of appropriations made for the maintenance of his department and its income, but no salary shall be paid to said commissioners, or either of them. The commissioners will report biennially their action and the progress of the work in the river.

Sec. 2. Be it further enacted, That this act shall take effect from and after its passage, the public welfare requiring it.

Passed April 17, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved April 20, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 322.

HOUSE BILL No. 733.

AN ACT to repeal sections 10, 11, 12, 13, 14, 15, and 16 of chapter 25, page 130, of the Acts of 1868 and 1869, of the thirty-fifth General Assembly of the State of Tennessee, passed January 19, 1869, incorporating the town of McKenzie, in the county of Carroll; and also to repeal sections 63, 64, and 65 of chapter 59 of the Acts of 1869 and 1870, the same being amendatory of the said act of 1868 and 1869; also to repeal chapter 219 of the Acts of 1897, entitled "An Act to amend the charter of the town of McKenzie, in Carroll county,

Tennessee, and to increase the powers thereof," passed March 16, 1897, and approved March 24, 1897, the same being amendatory of said Act of 1868 and 1869, as amended by sections 63, 64, and 65 of chapter 59 of the Acts of 1869 and 1870.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That sections 10, 11, 12, 13, 14, 15, and 16 of chapter 25 of the Acts of 1868 and 1869, incorporating the town of McKenzie, in the county of Carroll, and sections 63, 64, and 65, of chapter 59, of the Acts of 1869 and 1870, amending the said Act of 1868 and 1869, and chapter 219 of the Acts of 1897, which also amends the said Act of 1868 and 1869, be, and the same are hereby, repealed, and the charter privileges of the town of McKenzie, in the county of Carroll, as municipal corporation, revoked, and the said charter rendered null and void.

Sec. 2. Be it further enacted, That on or before the 15th day of May, 1899, the present recorder, or officer having custody of all money and personal property of the town of McKenzie shall turn over or transfer all money or personal property belonging to the town of McKenzie at the time of the passage of this act, to the officer or officers duly authorized by law to receive such property, and shall take a receipt for same.

Sec. 3. Be it further enacted, That all laws, and parts of laws, in conflict with this act be, and the same are hereby, repealed.

Sec. 4. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 19, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 21, 1899.

BENTON McMILLIN,
Governor

CHAPTER 323.

HOUSE BILL No. 592.

AN ACT to repeal all laws requiring the payment of a fee for the search of a public record or records, in this state.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That all laws requiring the payment of a fee for the search of any public record or records in this state be, and the same are hereby, repealed.

Sec. 2. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 21, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 22, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 324.

HOUSE BILL No. 11.

AN ACT to authorize judges of the various circuit and criminal courts in the State of Tennessee to reconvene their grand jurors, during the same term of their courts, after they have been discharged, when any felonious, criminal act shall have been committed in their jurisdiction, during said term after they were discharged.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the judges of the

various circuit and criminal courts of the state of Tennessee be, and are hereby, authorized (at any time during the same term of their courts), to reconvene their respective grand jurors, when during the same term of court, and after said jurors have been discharged, a criminal offense which is a felony has been committed in their jurisdiction.

Sec. 2. Be it further enacted, That this act take effect from and after it, the public welfare requiring it.

Passed April 19, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 21, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 325.

HOUSE BILL No. 834.

AN ACT to legalize and ratify an election held by the sheriff of Crockett county, Tennessee, in the town of Gadsden, Tennessee, for the election of municipal officers in said town, and to declare the officers so elected the legal officers of said municipality.

Whereas, Under the provisions of section 3, chapter 195, of the Acts of 1889, for the incorporation of the town of Gadsden, Tennessee, the sheriff of Crockett county did, on the first Monday in February, 1899, open and hold an election in the said town of Gadsden, Tennessee, for the election of municipal officers of said town of Gadsden for the year ending the first Monday in February, 1900; and,

Whereas, At said election the following officers were duly and fairly elected, without opposition, to wit: C. E. Branch, mayor; L. L. Cox, recorder;

W. Richardson, G. F. Tatum, T. P. Jones, S. W. Fullalove, and L. H. Harte, aldermen; now, therefore,

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That an election held on the first Monday in February, 1899, by the sheriff of Crockett county, Tennessee, in the town of Gadsden, Tennessee, for the election of municipal officers for said town for the year ending the first Monday in February, 1900, be, and the same is hereby, legalized, ratified, and declared to be legal and valid.

Sec. 2. Be it further enacted, That the officers elected at said election, to-wit: C. E. Branch, mayor; L. L. Cox, recorder; W. W. Richardson, G. F. Tatum, T. P. Jones, S. W. Fullalove, and L. H. Harte, aldermen, be, and they are hereby, declared to be the legally chosen officers of said town of Gadsden, for the year ending the first Monday in February, 1900, and until their successors are elected and qualified, and they are further declared to possess, and have the right to exercise, all the powers conferred upon such municipal officers by chapter 195 of the Acts of 1889, providing for the incorporation of said town of Gadsden.

Sec. 3. Be it further enacted, That all laws, and parts of laws, in conflict with this act be, and the same are hereby, repealed, and that this act take effect from and after its passage, the public welfare requiring it.

Passed April 17, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 20, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 327.

HOUSE BILL No. 835.

AN ACT to amend section 3, chapter 195, of the Acts of 1889, entitled, "An Act to incorporate the town of Gadsden, in the county of Crockett, and State of Tennessee, and provide for the election of officers and a justice of the peace, and prescribe their duties, and for other purposes.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That section 3 of chapter 195 of the Acts of 1889 be, and the same is hereby, amended by inserting after the words "Crockett county" in line two of said section, the following: "Or such officer or officers authorized by law to open and hold elections in said county."

Amend further by inserting after the words "succeeding year," in line eight of said section 3, the following: "Or as soon thereafter as practicable if for any reason the election shall not be held on the first Monday in February."

Amend further by adding after the words "for one year," in line eleven of said section, the following: "And until their successors are elected and qualified."

Sec. 2. Be it further enacted, That all laws, and parts of laws in conflict with this act be, and the same are hereby, repealed, and that this act take effect from and after its passage, the public welfare requiring it.

Passed April 17, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 19, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 328.

HOUSE BILL No. 818.

AN ACT to authorize school districts adjacent to incorporated towns to erect and control school buildings inside the corporate limits of such adjacent town for the use of such school districts.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That school districts adjacent to incorporated towns are hereby authorized to purchase property inside the corporate limits of such town and erect thereon school houses, which shall be under the exclusive control of the directors of such school district, for the use and convenience of the school children in such school district.

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with this act be, and the same are hereby, repealed; and that this act take effect from and after its passage, the public welfare requiring it.

Passed April 18, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 20, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 329.

HOUSE BILL No. 724.

AN ACT to repeal chapter 216, Acts of 1891, the same being "An act to create a new school district out of parts of Smith and Putnam counties," to retain Smith county's part of said district as a new school district in Smith county, and to enable Smith county's directors of said district to retain all furniture, apparatus and such other school appliances as were purchased with the school funds of Smith county.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That chapter 216, Acts of 1891, the same being an act to create a new school district out of parts of Smith and Putnam counties, be, and the same is hereby, repealed.

Sec. 2. Be it further enacted, That the organization of the Smith county part of said joint district be, and is hereby, retained as a new school district in Smith county, and that the directors of the Smith county part of said district retain all furniture, apparatus and such other school appliances as were purchased with the school funds of Smith county as the property of the new district created by this act.

Sec. 3. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 18, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 20, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 330.

HOUSE BILL No. 870.

AN ACT to change the county line between the counties of Morgan and Roane.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the county line between the counties of Morgan and Roane be changed as follows:

Beginning in the present line between Morgan and Roane counties at the junction of Clifty creek with Emory river; thence running due east crossing Emory river and the Cincinnati, New Orleans & Texas Pacific Railroad, in all 380 poles, to the extreme top of Walden's ridge, the present line between Roane and Morgan counties.

Sec. 2. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 15, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 19, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 331.

HOUSE BILL No. 515.

AN ACT to prohibit the killing or trapping of quail or quails in the county of Shelby until November 15, 1900.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That hereafter until the 15th day of November, 1900, it shall be a misdemeanor for any person or persons to kill or trap any quail or quails in Shelby county, of this state.

Sec. 2. Be it further enacted, That the misdemeanor hereinbefore referred to shall be a fine of not less than ten dollars, nor more than fifty dollars, or imprisonment in the county jail for not less than three months, nor more than six months.

Sec. 3. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 18, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 21, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 332.

HOUSE BILL No. 512.

AN ACT to amend the fence laws of the State of Tennessee by adding an additional subsection, to be numbered seven (7), and made a part of the section 2980 of Shannon's compilation of the laws of Tennessee, section 2249 of Milliken and Vertrees' compilation, and section 1682 of the Code of Tennessee.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the fence laws of the state be, and are hereby, so amended by adding a subsection, to be numbered seven (7), to section 2980 of Shannon's compilation of the laws of Tennessee, and section 2249 of Milliken and Vertrees' compilation of the laws of Tennessee, and section 1682 of the Code of Tennessee, so as to make the following a lawful fence, to wit: "Any inclosure made by nine smooth, horizontal wires the bottom and top or first and ninth of which are to be standard number nine, and the other seven standard number eleven wires; the first wire to be placed upon the ground; the second three and one-half inches from the first; the third, three and one-half inches from the second; the fourth, four inches from the third; the fifth four inches from the fourth; the sixth six inches from the fifth; the seventh, eight inches from the sixth; the eighth ten inches from the seventh; the ninth ten inches from eighth. The vertical stays or pickets are to be two feet apart between the first or ground wire and the fifth and from the fifth to the top or ninth wire four feet apart. The posts to be one rod apart and well set at the ends of the fence, so as to keep the fence from sagging.

Sec. 2. Be it further enacted, That this act

effect from and after its passage, the public welfare requiring it.

Passed April 19, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 21, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 333.

HOUSE BILL No. 644.

AN ACT to protect deer in the counties of Anderson, Claiborne, Campbell, Cocke, Morgan, Scott, Union and McNairy.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That it shall be unlawful for any person within the period of ten years from and after the passage of this act, to chase deer with dogs or hounds or to shoot, wound or capture or kill, or in any manner attempt to kill the same in the counties of Anderson, Claiborne, Campbell, Cocke, Morgan, Scott, Union and McNairy.

Sec. 2. Be it further enacted, That any person or persons violating the provisions of section 1 of this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten nor more than fifty dollars, and imprisoned, at the discretion of the court.

Sec. 3. Be it further enacted, That the circuit or criminal judges shall give this act strictly in charge the grand juries in the counties mentioned in section 1 of this act, and the grand juries shall have inquisitorial power to send for witness upon legal information of any violation of this act.

Sec. 4. Be it further enacted, That all laws and parts of laws in conflict with this act be, and the same hereby, repealed; and that this act take effect

from and after its passage, the public welfare requiring it.

Passed April 20, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 21, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 334.

HOUSE BILL No. 680.

AN ACT to authorize Polk county to issue bonds for the purpose of building bridges and constructing public highways.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the county of Polk, through its quarterly county court be, and is hereby, authorized and empowered to issue bonds of the county for the purpose of building bridges and constructing public highways of the county, not exceeding the sum of twenty-five thousand dollars (\$25,000), bearing interest at the rate of not exceeding six per cent. per annum, payable semi-annually or annually, as said county court may direct, and said bonds to be payable in from one to twenty years from the date thereof, as said county court may order and direct. Said bonds and interest to be payable in lawful money of the United States.

Sec. 2. Be it further enacted, That said bonds shall be signed by the chairman of the county court of Polk county, and countersigned by the clerk of said court, with his official seal affixed to the same, to be in the denomination of one thousand dollars each, and shall be numbered in the order of issuance, beginning with one.

Sec. 3. Be it further enacted, That each of said bonds shall have attached to it interest coupons, sh

ing the amount of each annual or semi-annual installment of interest on said bonds and when the same shall fall due, which coupons shall be signed in the same manner as the bonds, but without the official seal of the clerk, and showing on their face the number of the bond to which they are attached.

Sec. 4. Be it further enacted, That it shall be the duty of the county court annually to levy a tax on the taxable property and privileges of said county, for the purpose of paying the annual interest on bonds and for the purpose of creating a sinking fund to pay said bonds when due, and the trustee of said county shall collect and account for said tax and receive the same compensation he is allowed by law for collecting county tax.

Sec. 5. Be it further enacted, That said bonds shall not be sold for less than par value.

Sec. 6. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 18, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 21, 1899.

BENTON McMILLIN,
Governor.

side of Byar's land; thence north 1-4 degree west across the lands of W. H. Strange and others, 65.02 chains to a stake on the south side of the Ripley road; thence along the south side of said road south 89 3-4 degrees west 12.57 chains to a stake; thence north 5 degrees west, passing Gillespie's and Menefee's corner, and with their line 9.70 chains to a stake; thence west between W. O. and N. A. Menefee's 20.85 chains to a stake on the west line of the railroad; thence north 15 degrees east with the west side of the said railroad 10.98 chains to a stake two feet south of a telegraph pole; thence west across W. O. Menefee's land 7.65 chains to a gate post near the southwest corner of R. S. Barrett's barn; thence south 73 1-2 degrees west, passing the northwest corner of Baskin's barn; thence 35.05 chains to a stake on the east side of the Hatchie Bottom road; thence with the east side of said road and across Kinney's field south 1 1-4 degrees west 10.45 chains to a stake on the south side of the Covington & Piljerk road; thence west along the south side of said Covington & Piljerk road to the west side of Shelton street in Summit addition to the town of Covington; thence south with the west side of said Shelton street to a stake on the north side of the Covington & Randolph road; thence east to Williamson McClelland's northwest corner, on the south side of said Covington & Randolph road; thence with McClelland's west line south 4 1-2 degrees east 7.54 chains to his southwest corner; thence with his line and passing through his land north 86 1-2 degrees east 12.16 chains to a stake on the west side of Cemetery street; thence with the west side of Cemetery street south 3 1-2 degrees east 35.90 chains to the beginning.

Sec. 2. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 19, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SELD WADDELL,
Speaker of the Senate.

Approved April 21, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 336.

HOUSE BILL No. 855.

AN ACT to authorize the board of mayor and aldermen of Covington, to issue bonds to erect or purchase and extend water, light and power plants, for the general improvement of the streets and for sewerage of said town.

Improvement
bonds may be
issued.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That from and after the passage of this act, it shall be lawful for the board of mayor and aldermen of Covington to issue coupon bonds in the manner and under the restrictions hereinafter provided, not to exceed the sum of thirty thousand dollars; Provided, said bonds, or their proceeds, shall be used exclusively for the purpose of erecting or purchasing and paying for and extending water, light and power plants and for sewerage and the general improvement of the streets of the said town of Covington, in such manner as may be determined upon by the corporate authorities of said town.

Denomination,
interest, maturity.

Sec. 2. Be it further enacted, That all bonds issued under this act shall be of such denomination, bear such rate of interest, not exceeding 6 per cent. per annum, be due in such times not less than ten nor more than thirty years from date, and be payable, both principal and interest, at such times and places as the corporate authorities may determine, and be payable in lawful money of the United States. The said town of Covington may retain the right to call in and pay off the principal of said bonds at any time after ten years from the date of their issuance.

Sec. 3. Be it further enacted, That the bonds provided in this act shall in no case be sold for less than par or face value.

Interest and
sinking fund
tax.

Sec. 4. Be it further enacted, That the said board of mayor and aldermen shall provide and levy, by ordinance, a tax upon all the taxable property and privileges in said town of Covington, to pay the interest

said bonds as the same accrues, and shall in like manner provide a sinking fund wherewith to retire said bonds by levying a special tax to be designated as the sinking fund tax. This tax to be levied, collected and used exclusively for the purposes levied and to be sufficient with its accumulations as near as can be estimated to meet or retire the principal of said indebtedness at or by its maturity.

Sec. 5. Be it further enacted, That said bonds shall not be issued unless so ordered by a vote of a majority of the qualified voters of the said town of Covington, voting at an election to be held for that purpose, by order of the board of mayor and aldermen of said town of Covington. Said election shall be held at any time or at as many times as the said board of mayor and aldermen may deem necessary, and the said board of mayor and aldermen may submit the question of issuing a portion of said bonds at one election and another portion at another election until the whole amount of bonds herein provided for are ordered to be issued. Election as to
issuance.

Persons desiring to vote for the issuance of the bonds shall have written or printed upon their ballots the words "For the Bonds," and persons desiring to vote against the issuance of bonds shall have written or printed on their ballots the words "Against the Bonds." At least 30 days' notice shall be given of any election ordered to be held under this act, by publication in a newspaper published in said town of Covington. Said election shall be held by the town constable of the said town of Covington, under such rules and regulations as the said board of mayor and aldermen may make.

Sec. 6. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 20, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 21, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 337.

HOUSE BILL No. 880.

AN ACT to protect game birds in Sumner, Trousdale and Robertson counties, and to provide a penalty for the unlawful killing of the same or disturbing or destroying their nests and eggs, and for the sale of the same.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That whoever, in any place in Sumner, Trousdale and Robertson counties, catches, kills, injures, or pursues with such intent, any quail, partridge, grouse or pheasant for the period of five years from the passage of this act, except as hereinafter provided, shall be guilty of a misdemeanor, and be fined not more than twenty-five dollars, or be imprisoned in the county jail not more than thirty days, or both; and the grand jury is hereby given inquisitorial powers in such offenses, and the judge of the circuit court of said county shall give this act specially in charge to the grand juries;

Provided however, That it shall be lawful for any person to hunt quail or partridges in said counties with a gun, between the first day of November and the first day of January of each year. But it is further provided, that it shall not be lawful to hunt upon the inclosed lands of another with a gun, as above mentioned, until written permission is first obtained from the owner or owners of such inclosed lands.

Sec. 2. Be it further enacted, That whoever, at any time disturbs or destroys the nests or eggs of any of the birds named in the first section of this act, shall be guilty of a misdemeanor, and fined not more than twenty-five dollars, nor less than five dollars, or imprisonment in the county jail not more than thirty days, or both. And the having in possession of eggs of any of the above named birds shall be *prima facie* evidence of such unlawful disturbing and destroying of the nests and eggs.

Sec. 3. Be it further enacted, That whoever purchases or exposes for sale any of the birds named in section 1 of this act, or shall ship the same out of said county, shall be guilty of a misdemeanor, and be fined not more than twenty-five dollars, and not less than five dollars, and imprisoned in the county jail not more than thirty days, or both, and the expose for sale or shipment of any of said named birds shall be prima facie evidence of the unlawful killing of the same.

Sec. 4. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 20, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 21, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 338.

HOUSE BILL No. 495.

AN ACT to provide for the payment of check weighman or measurer of coal or other minerals of this state.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That when miners of coal or other minerals in this state elect a check weighman or measurer, as provided by chapter 206 of the acts of March 26, 1887, the operators, company or firm employing said miners shall, upon receiving notice in writing from the miners of said election of check weighman, withhold from each miner an equal amount, agreed upon by the miners and check weighman, and pay the same to the check weighman at each regular pay day.

Sec. 2. Be it further enacted, That upon failure of any operator, company or firm to comply with section 1 of this act, they shall be liable to the check weighman for the full amount of his wages, and shall be guilty of a misdemeanor, and upon conviction shall be fined at the discretion of court having jurisdiction.

Sec. 3. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 20, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 21, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 339.

HOUSE BILL No. 582.

AN ACT authorizing the mayor and aldermen of the town of Johnson City to issue bonds to fund its judgment indebtedness, and to provide a sinking fund for the payment of such bonds.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the mayor and aldermen of the town of Johnson City, Washington county, Tennessee, are hereby authorized to issue the negotiable bonds of said town in its corporate name, signed by the mayor and countersigned by the recorder, with interest coupons attached, to an amount not exceeding \$7,500.00, which shall be used, or the proceeds of which shall be used for no other purpose than to pay off the present judgment indebtedness of said town.

Sec. 2. Be it further enacted, That the bonds herein authorized may be executed of any denomination from \$100.00 to \$500.00, and shall mature at any time from three to ten years, as may be deter-

May issue
bonds.

Denomination,
maturity, in-
terest.

mined by ordinance of the board of mayor and aldermen of said town, and shall bear interest at six per cent., or at any less rate, which may be determined by the board of mayor and aldermen, and at which they can be negotiated at par value. Said bonds shall be paid in lawful money of the United States.

Sec. 3. Be it further enacted, That the mayor and aldermen of the said town of Johnson City shall levy and collect an annual tax, in the aggregate not less than one-tenth of the amount of bonds issued hereunder, which shall be set apart from all other funds, and used for no other purpose than paying off the bonded indebtedness created under this act; Provided, Said sinking fund may be paid out at any time in liquidation of any bond or bonds issued under this act, whether the same be due or not, provided said bonds are not above par.

Sinking fund
tax.

Sec. 4. Be it further enacted, That the mayor and aldermen of said town shall elect two of their number, or other good resident citizens of Johnson City, who, with the mayor of said town, shall constitute a funding board, whose duties it shall be to take charge of the sinking fund herein provided for, and which board shall do and perform their duties according as said mayor and aldermen may direct; provided, each member of said board shall first take an oath before the recorder, to faithfully discharge their duties as such, and shall jointly give bond, payable to the mayor and aldermen of said town, in double the amount which shall come into their hands.

Funding board;
oath; bond.

Sec. 5. Be it further enacted, That the sinking fund board herein provided for shall receive such compensation for their services as shall be fixed by ordinance, to be passed for that purpose; provided the same shall not exceed the sum of ten (\$10.00) each per annum.

Compensation.

Sec. 6. Be it further enacted, That the sinking fund board shall make written reports, under oath, of their actions, not less than once every three months to the mayor and aldermen of the said town, which shall be subject to ratification or rejection by said mayor and aldermen.

Quarterly re-
ports.

Sec. 7. Be it further enacted, That all laws and parts of laws in conflict with this act be, and the same are hereby, repealed.

Sec. 8. Be it further enacted, That this act shall take effect from and after its passage, the public welfare requiring it.

Passed April 18, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 21, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 340.

HOUSE BILL No. 1000.

AN ACT to amend an act passed November 21, 1867, being chapter 19 of the private acts of the general assembly of the State of Tennessee, for the year 1867-8, and entitled "An act to reduce the several acts incorporating the town of Morristown in one act, and to amend the same."

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That subsection 7 of section 6 of said act passed November 21, 1867, being chapter 19 of the private acts of the general assembly of the State of Tennessee for the years 1867-8, entitled "An act to reduce the several acts incorporating the town of Morristown into one act, and to amend the same," be so amended as that the same may read as follows: "To open, alter, abolish, widen, extend, establish, grade, pave or otherwise improve, clean and keep in repair streets, alleys and sidewalks or to have the same done, and to grant privileges and franchises in the use of the same."

Sec. 2. Be it further enacted, That section 1 of said act be so amended as that it shall read as follows: "That the mayor and aldermen shall have power to erect and organize a workhouse within the corporation; and any person who shall fail or neglect to pay any fine or costs imposed on him by an"

nance of the town, shall be committed to the workhouse until such fine and costs be fully paid, but said mayor and aldermen shall have, and are hereby vested with the power, if they so desire or deem it for the best interest of the municipality, to contract with the sheriff or workhouse commissioners or other proper authorities of Hamblen county, for the keeping of the corporation prisoners, and for working them on the public roads of the county, or otherwise, as may be determined and agreed.

Every person committed to the workhouse or other place of confinement, as provided by this act, shall be required to work for the town, or for its benefit, at such labor as his or her health and strength will permit within or without said workhouse, or other place of confinement, not exceeding ten hours per day, and for such work and labor the person employed shall be allowed, exclusive of his board, a credit of 40 cents per day upon such fine and costs until the whole is discharged, when he or she shall be released;

Provided, That where corporation prisoners desire to work out their fine and costs, and board themselves, and give bond with security for their appearance from day to day to work out their said fine and costs, they shall be allowed to do so, and shall be allowed a credit on their said fine and costs of sixty cents per day, where they so board themselves;

Provided further, That no person shall be compelled to work more than three months for any one offense.

Sec. 3. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 19, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 21, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 341.

HOUSE BILL No. 989.

AN ACT to amend an act entitled "An Act to amend the charter of the town of Jellico, in Campbell county," passed and approved April 7, 1893, so as to authorize the city council, by ordinance, to annex territory adjacent to said city.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That section 3, chapter 185, of the Acts of the General Assembly of the State of Tennessee, passed and approved by the governor on the 7th day of April, 1893, as an amendment to the charter of the town of Jellico be, and the same is, amended to read as follows, to-wit: That when the owners of two-thirds of the assessed valuation, taking as a basis the last preceding assessment, of any territory abutting upon the boundaries of the city of Jellico shall cause to be laid off and platted into streets, alleys, blocks, and lots conforming to and corresponding with streets, alleys, blocks, and lots of the adjacent part of said city, and a map thereof certified by the city engineer or other competent person appointed by the council, as being correct, accompanied by an abstract of title, properly certified by the city counsellor, showing the title to be in the parties applying to be annexed to said city, the city council may, upon petition signed by the parties owning property, representing two-thirds of the assessed valuation of said territory and acknowledged before a proper officer, by ordinance, declare the same to be an addition to the city of Jellico.

Sec. 2. Be it further enacted, That such parts of section 3 of said act in conflict with this act be, and are hereby, repealed, and that this act take effect

from and after its passage, the public welfare requiring it.

Passed April 20, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 21, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 342.

HOUSE BILL No. 691.

AN ACT to change the line between the counties of DeKalb and Warren.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the line between the counties of DeKalb and Warren be so changed as to detach the lands of James Roller from Warren county and attach the same to DeKalb county.

Sec. 2. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 19, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 20, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 343.

SENATE BILL No. 507.

AN ACT to amend an act entitled "An Act to provide for the establishment and to prescribe rules for the government of a normal school or schools in the State of Tennessee, in connection with the public school system thereof," being chapter 90, Acts of 1875.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That chapter 90, Acts of 1875, be, and the same is hereby, amended by striking out all of section 12 of said Act of 1875, and insert the following to be section 12 of said act: That the state superintendent of public instruction shall be secretary and treasurer of the state board of education, and as such shall have charge and general supervision of the disbursement of all moneys hereafter appropriated for the Peabody Normal College, and for all normal colleges and institute funds. He shall keep in his office at the state capitol a record of all money appropriated for said normal school or schools, and its distribution, and before any such money so appropriated shall be drawn from the treasury, he shall pass upon and certify to the correctness of all vouchers, to be filed with the comptroller prior to the issuance of his warrant.

Sec. 2. That the state superintendent of public instruction, as the secretary and treasurer of the state board of education, shall give a bond in the sum ten thousand dollars, payable to the state of Tennessee, for the faithful performance of his duty as treasurer, which bond shall be approved by the governor and attorney-general.

Sec. 3. That all laws, and parts of laws, in conflict with this act be, and the same are hereby, re-

and that this act take effect from and after its passage, the public welfare requiring it.

Passed April 17, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved April 19, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 344.

HOUSE BILL No. 797.

AN ACT to change the line between the counties of
Warren and DeKalb.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the line between the counties of Warren and DeKalb be so changed as to include all the lands of H. G. Stevens in Warren county.

Sec. 2. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 18, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 20, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 345.

HOUSE BILL No. 825.

AN ACT to amend an act, entitled, An Act for the protection of fish in the State of Tennessee, Acts of 1895, chapter 127.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the above, entitled an act for the protection of fish in Tennessee, be so amended as to give the grand jury inquisitorial powers in Cannon county.

Sec. 2. Be it further enacted, That the circuit judge presiding shall give this act in charge to the grand jury of Cannon county at each term of the court.

Sec. 3. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 19, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 20, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 346.

HOUSE BILL No. 999.

AN ACT to incorporate the town of Rutherford, in the county of Gibson, and State of Tennessee, and to provide for the election of officers and prescribe their duties, and for other purposes.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the inhabitants of the town of Rutherford, of Gibson county, Tennessee, within the following boundaries, are hereby constituted a corporation and body politic by the name and style of "Mayor and Board of Aldermen of Rutherford." The boundaries of said town of Rutherford shall be as follows: Beginning at a stake on the east side of the Mobile and Ohio railroad, about twelve feet from the center of said road, said stake being ten poles north (18 degrees west) from the 426 mile post on said road; runs thence west 72 poles to a stake; thence south 74 poles to a stake; thence west 117 1-2 poles to a stake; thence south (7 degrees east) 222 poles to a stake; thence east 206 4-5 poles to a stake on the west side of the Mobile and Ohio railroad bed; thence south (3 degrees west) 30 2-5 poles to a stake, said stake being 17 degrees west of the 425 mile post on the Mobile and Ohio railroad; thence east 40 poles to a stake; thence north 321 3-25 poles to a stake; thence west 84 8-25 poles to the beginning.

Sec. 2. Be it further enacted, That the mayor and board of aldermen of Rutherford shall have perpetual succession, shall sue and be sued, implead and be impleaded, in all courts of law and equity, and in all actions whatsoever; may purchase, receive, and hold property, both real and personal, within the said town; and may purchase, receive and hold property, both real and personal, beyond the corporate limits of the town, to be used for the burial of the dead, for house of correction, a poor house, a hospital, a work-

Sec. 5. Be it further enacted, That the election for mayor and board of aldermen of the said town of Rutherford shall be held by the officer, judges, and clerks appointed by the commissioners of election of Gibson county, Tennessee; said judges and clerks shall be legal voters in said town; said election shall be held for the year 1899 on the first Saturday in July, 1899, and ever thereafter on the second Thursday in June of each year; Provided, That in the event said commissioners of election should for any reason fail to hold said election on the second Thursday in June of any year, then they shall advertise and hold the same as soon thereafter as sixty days' notice can be given. The vote shall be by ballot, and the board of mayor and aldermen shall fix by ordinance the place, the house, etc., of said election; notice of said election shall be given for at least sixty days before the date of the same.

Election of
mayor and
aldermen.

Sec. 6. Be it further enacted, That the judges and clerks to hold the election shall be sworn and qualified according to the election laws of the state. The vote shall be by ballot, and the same rules and regulations that are in force in the various state and county elections shall be enforced in the election of the officers to be elected by the people under the provisions of this charter. It shall be the duty of the judges and clerks holding these corporation elections to file a properly authenticated poll list and tally sheet with the recorder, who shall preserve the same.

As to elections.

Sec. 7. Be it further enacted, That the following shall be the qualifications for voting in the town election:

Electors.

(1.) He shall be qualified to vote for state and county officers, and every person who is otherwise a qualified voter for state and county officers, shall, as a condition precedent to the exercise of voting in all municipal elections, furnish to the judges of election satisfactory evidence that he has paid the poll tax, if any, assessed against him by the board of mayor and aldermen for the year next preceding the election, without which his vote shall not be received.

(2.) He shall have been resident for six months preceding the election within the corporate limits, or

shall be a bona fide owner of real estate in the corporate limits of the assessed value of \$50.00.

(3.) If a nonresident of the city, but a bona fide owner of at least \$50.00 worth of real estate, within the corporate limits, he shall have the right to vote in all corporation elections.

Majority
elects; certifi-
cate.

Sec. 8. Be it further enacted, That the person receiving the highest number of votes for mayor shall be declared elected, and the five persons receiving the highest number of votes for aldermen shall be declared elected, and it shall be the duty of the officer, or officers, holding the election to make out a certificate of the persons so elected, and within three days after the election file the same with the mayor elect, and the same shall be produced at the first meeting of the town council, and shall be spread of record on the minutes of that meeting.

Tie vote.

Sec. 9. Be it further enacted, That in case there should be a tie in the election of mayor or aldermen, or all or either, the judges and clerks shall certify the same to the commissioners of election of Gibson county, and said commissioners shall forthwith give notice of the same, and hold an election for the filling of the office in which the tie may exist, and he shall advertise the same for sixty days, and said election shall be held as herein prescribed.

Board in-
stalled; mar-
shal, recorder,
and treasurer
elected.

Sec. 10. Be it further enacted, That the board of mayor and aldermen elect shall meet at the usual place of meeting, on the first Tuesday in July of the year in which they are elected, at which time they shall be duly installed in office. The mayor and aldermen shall each take an oath, before entering upon the duties of their respective offices, to execute the same fairly, faithfully, and impartially, and the mayor and aldermen shall also take an oath to support the constitution of the United States and the constitution of the state of Tennessee. At the same meeting the board shall elect a marshal, a recorder, and treasurer, as hereinbefore provided, and they shall elect or appoint such other officers as are there prescribed by ordinance, and before entering upon the discharge of the duties of office of marshal, th recorder, and treasurer shall take an oath to faith

fully and honestly perform the duties of their respective offices.

Sec. 11. Be it further enacted, That in case of the death, resignation, or removal of any officer elected by the people or by the board, during his term of office, the board shall fill said vacancy by electing a successor; said election shall be held as soon as said vacancy occurs, as ten days notice of the election can be given before some regular meeting of the board, and the person or persons so elected shall perform the same duties and be vested with the same powers and privileges as the person whose duties they are appointed to fill and upon like condition. Vacancies.

Sec. 12. Be it further enacted, That the mayor shall hold his office for one year, and until his successor shall be elected and qualified; no person shall be elected mayor who is not at the time of his election a citizen of the state of Tennessee, and a resident and bona fide citizen of, and voter in, the corporation; it shall be the duty of the mayor to preside at all meetings of the council, to take care that all the town ordinances are duly enforced, respected and observed; to call special sessions of the council, when he may deem it expedient; to see that all the property of the city is protected and preserved; to take acknowledgments of all bonds of officers, to fill all vacancies except that of aldermen, until the same can be filled by election as herein provided; to try all cases for the violation of any and all the ordinances of the corporation, and a mayor's court is hereby established, and the mayor is hereby vested with all the powers of a magistrate of Gibson county, and shall try all offenses against the peace and dignity of the town; Provided, That in the absence of the mayor, or in the event he shall for any reason be incompetent to try a case, the same power and duties are hereby conferred upon the recorder, and in the event that both the mayor and recorder shall be absent or incompetent, then the justice of the peace for Gibson county, resident within the corporation, shall have power to sit and try corporation cases, his judgment showing that he sat in the place of the mayor or recorder. In case a party accused makes oath that justice, in his opinion, will not be meted Mayor; qual.
ifications; du-
ties.
Mayor's court;
jurisdiction.

offense against the corporation, and subject to fine as hereinafter provided in section 16 of this act for refusing to assist the town marshal.

Sec. 15. Be it further enacted, That the duties of the town marshal shall be as follows: He shall thoroughly acquaint himself with the laws and ordinances of the town, and he shall rigidly enforce the same, and for this purpose police authority is hereby given, which he may exercise, without warrant in hand. He shall collect all fines in favor of the town; he shall collect all taxes levied by the council, except privilege and special taxes; he shall perform such other duties as the town council may, by ordinance, impose upon him.

Marshal's duties.

Sec. 16. Be it further enacted, That the town marshal of Rutherford shall have the power to execute all civil and criminal processes in the corporate limits that constables have, and for this purpose he is clothed with all the powers of a constable. The town marshal shall have the power to execute all warrants issued by the mayor, and to make arrest for all violations of the town ordinances. He shall have the power to summons any person or persons to aid him in the execution of any process, or the arrest of any violator of the ordinances of the town, and upon their refusal to aid him in the execution of any process or the arrest of any person for the violation of any of the ordinances of the town, such person or persons summoned and refusing shall forfeit and pay the sum of ten dollars for any such refusal, to be recovered before the mayor, for the use of the town, and on such fine being assessed by said mayor, it shall be recovered as fines assessed for the violation of any ordinance of the town.

Marshal to execute process; refusal to aid marshal.

Sec. 17. Be it further enacted, That the duties and powers of the recorder shall be as follows: He shall keep in a well bound book an accurate minute of all the proceedings of the town council; he shall issue all privilege license and collect the taxes on the same; he shall collect all special taxes levied by the town council, unless otherwise ordered by the council, and shall keep a proper account of all the taxes and revenues collected by him; he shall have supervision over the cemeteries, and shall, at the prices fixed by the council, sell all grave lots and keep a faithful record

Recorder's duties.

of the same; he shall make out the tax books for the town and turn the same over to the marshal at the date fixed by the town council, and in assessing the taxes he shall be under the state laws regulating the governing the assessors of state and county taxes; he shall draw a warrant upon the treasurer for all moneys ordered to be paid by the town council, and keep a record of the same in such manner as the town council may prescribe, and he shall do and perform such other duties as the town council may, by ordinance, impose upon him.

Treasurer's
duties.

Sec. 18. Be it further enacted, That the duties of the treasurer shall be as follows: He shall receive from the town marshal and recorder all funds whatsoever that come into their hands, and give receipt for the same, and shall take care of and keep a proper account of the same; and he shall receive and take care of any other funds which shall be properly coming to the town from any other sources, and for this purpose he shall keep such book or books as the town council shall direct; he shall pay out said funds only upon a warrant of the recorder; he shall make out quarterly, a full and explicit account of all finances under his control and report the same to the town council; he shall also make out a complete statement of all the finances of the city, which report and statement the town council may order published for the information of the citizens of the town; he shall perform such other duties pertaining to his office as the town council may, by ordinance, impose upon him.

Sec. 19. Be it further enacted, That the duties of the other officers, agents and servants of the town shall be such as the town council, by ordinance, may prescribe.

Marshal, re-
corder, and
treasurer's
bonds.

Sec. 20. Be it further enacted, That before entering upon the discharge of their respective duties the marshal, recorder and treasurer shall each enter into bond in the sum of five hundred dollars (\$500.00), conditioned upon the faithful and proper performance of their duties; said officers shall also enter into bond with good and sufficient securities, in double the supposed amount of money which may come into their hands, conditioned upon the faithful and diligent collection and accounting for all moneys that shall, or ought to come into their hands for fines, for

feitures and other moneys due the town, and which ought by law to be collected and paid over by them, and in the event the council elects one man to fill the office of both treasurer and recorder, such officer shall execute bonds, as herein provided, both as recorder and as treasurer. The marshal shall be liable as herein mentioned for failing to collect money, return process or pay over money collected by process issued by the mayor and fines and penalties collected by him; and the recorder shall be liable for failing to collect any and all moneys which it is made his duty to collect under this charter. Said bonds shall be made payable to the mayor and board of aldermen of Rutherford, and their successors in office, for the use and benefit of said town; said bond shall be approved by the board of mayor and aldermen, at a regular meeting or a meeting called for the purpose, and shall be spread of record on minutes; and the bond shall be filed and carefully preserved among the records of said town. A copy of said bond, certified by the recorder, shall have the same force and effect of certified copies from courts of record. No officer of the corporation shall become a bondsman for any other officer.

Sec. 21. Be it further enacted, That the mayor shall have and receive such fees for the trial of all cases brought before him, as are allowed justices of the peace of the State of Tennessee for the trial of criminal offenses, and he shall receive no other compensation for his services as mayor. The marshal, for arrest, serving summons, etc., shall be entitled to have and receive such fees as constables are entitled to receive for similar services, as the council may provide. He shall receive a salary not to exceed two hundred and forty dollars (\$240.00) per annum; for his services as overseer of work on streets, or for any other public work prescribed by the town council he shall receive no compensation. The recorder shall have and receive, not exceeding fifty cents for issuing any privilege license, and for his other services not exceeding twelve dollars per annum. The treasurer, or recorder acting as treasurer, shall receive for handling money of the corporation, not exceeding 3 per cent. All aldermen shall serve without compensation. The board of mayor and aldermen shall have no power to alter, increase or in any way attempt to fix

Compensation
of officers.

the salaries of such officers at an amount exceeding those herein mentioned.

Powers.

Sec. 22. Be it further enacted, That the town council shall have power, by ordinance, within the corporate limits:

1. To levy and collect taxes upon all real and personal property, polls and privileges, taxable by the laws of the State of Tennessee.

2. To appropriate money and provide for the payment of all debts and expenses of the town.

3. To license, tax and regulate every thing, person, business and corporation, licensed, taxed and regulated by the state and county.

4. To open, establish, extend, widen, alter, abolish and discontinue any street or streets, grade, pave and otherwise improve, clean and keep in repair, streets, alleys and sidewalks, and establish, maintain and keep in repair crossings, bridges, culverts, sewers and gutters, or alter, change or abolish the same, or have the same done.

5. To prevent all encroachments into and upon all streets, sidewalks, lanes, avenues and alleys established by law or ordinance, and to recover the same.

6. To remove all obstructions from the sidewalks and streets, and provide for the construction and repair of all sidewalks, curbstones, bridges, gutters and culverts, and for the cleaning and keeping in repair of the same, at the expense of the owner of the ground fronting thereto.

7. To provide for lighting the streets, alleys, avenues and public places.

8. To regulate the use of lights, stovepipes, flues, etc., in all houses, shops, stables, kitchens and other places.

9. To regulate the storage of gunpowder, tar, pitch, resin, saltpeter, gun-cotton and all other combustible materials.

10. To regulate, restrain and prohibit the erection of wooden buildings in any part of the town.

11. To regulate, restrain and prohibit the lishment and carrying on of manufactories dangerous in causing, producing or spreading of fires.

12. To provide for the prevention and extinguishment of fires, and provide for the organization and maintenance of fire companies.

13. To erect market-houses, establish markets and regulate the same.

14. To provide for the buildings necessary for the use of the town.

15. To provide for inclosing, improving and regulating of all public grounds belonging to the town, in or out of the corporate limits.

16. To regulate or prohibit all disorderly houses and bawdy houses.

17. To regulate the police of the town; impose fines, forfeitures and penalties for breach of any law, by-law or ordinance, and to provide for the recovery and appropriation of the same, and to appoint an officer, being the mayor, before whom such recovery may be had, not, however, to exclude the jurisdiction of recorder, or the justice of the peace within said corporate limits, as hereinbefore provided; Provided however, That the penalties prescribed shall not exceed fifty dollars (\$50.00) and cost and thirty days' imprisonment for any single offense.

18. To provide for the arrest and confinement, until trial, of all disorderly, violent and riotous persons within the corporate limits, by day or night; to authorize the arrest and detention of all suspicious persons found violating any ordinance of the town.

19. To prevent and punish, by pecuniary penalties or otherwise, all breaches of the peace, noise, disturbance, disorderly conduct or disorderly assemblies, in any alley, street, house or other places in corporate limits by day or night.

20. To erect, organize and maintain and regulate within or near the corporate limits, a calaboose and workhouse, for the safe and proper detention of all persons committed to the same, under the powers granted under this charter, and the mayor is hereby empowered to commit offenders to said calaboose and workhouse.

21. To commit any person who may fail or refuse to pay any fine or cost imposed on him or her, by any ordinance of said town, to the calaboose or workhouse, until such costs and fines be fully paid. Every person so committed to the calaboose or workhouse shall be required to work for the town at such labor as his or her strength will permit, within or without said cala-

boose or workhouse, not exceeding ten hours each day, and for such work the person so working shall be allowed, exclusive of board, a credit upon such fine and cost of fifty cents a day, until the whole is discharged, when such person shall be released.

22. To prevent, suppress, abate and remove all nuisances.

23. To make regulations to prevent the introduction of contagious diseases into the town and the spread of the same; to establish a board of health for this purpose, who are empowered to enforce the ordinances relating thereto, within one mile of the corporate limits.

24. To establish hospitals and make regulations for the same.

25. To make general regulations to secure the health of the inhabitants of the town.

26. To establish a system of free schools and maintain the same for taxation, when such taxation shall have been ratified by two-thirds of the qualified voters of the town, voting at an election held for the purpose, and to regulate said school so as to avoid race or sectarian influences.

27. To establish standard weights and measures, and regulate the weights and measures to be used in the town in all cases not otherwise provided by law.

28. To provide for the inspection of timber and other building material.

29. To provide for the inspection and weighing and measuring anything not prohibited by the state law.

30. To prepare and publish a digest of all the ordinances and restrictions of a public nature within six months after the passage of this act, and a like digest as often thereafter as they may deem necessary.

31. To pass all ordinances not contrary to the constitution and the laws of the state, that may be necessary to carry out the provisions and full intent and meaning of the object of this incorporation.

32. To exclusively license and regulate billiard halls, bowling alleys and other places of public resort; and to regulate and restrain the selling or giving away of intoxicating liquors, spirituous, vinous, malt or mixed, within the town; Provided, It shall be, and it is hereby, declared to be unlawful for any person c

persons, company or corporation, to sell, give away, bargain or tippie any intoxicating liquors, including wine, ale, cider, beer, or vinous, spirituous, malt or mixed liquors, or any adulteration or mixture of either of same, as a beverage, in the town of Rutherford, within one (1) mile of any church or building in which people usually congregate for religious worship, or within one (1) mile of any school house, public or private, where school is kept, whether said school be in session or not; and the town council is hereby authorized to make ordinances for the punishment of any and all violation of the provisions of this section.

Sec. 23. Be it further enacted, That all ordinances shall be signed by the mayor and recorder, and the same shall be spread upon the minutes of the council, and shall then be filed and preserved among the records of the town. They shall also be recorded in a book kept for the purpose, and a certified copy of an ordinance, from the minutes or from the book kept for the purpose, shall be full evidence of the same in all trials in any of the courts of this state; the certificate to be made by the mayor or recorder under the seal of the corporation, if the corporation use a seal.

Ordinances
signed, re-
corded; copy
to be evidence.

Sec. 24. Be it further enacted, That the town council shall have full power to enforce the collection of all taxes assessed upon real and personal property, polls and privileges, and to this end the marshal of the town of Rutherford is clothed with all of the powers for the collections of taxes, on personal and real property and polls in the corporation that is by law conferred upon the collector of state and county taxes of the same character. And the recorder of the town of Rutherford is clothed with all of the powers for the collections of privilege taxes in the corporation that are by law conferred upon a collector of state and county privilege taxes. And these officers are empowered to collect the taxes with the same penalties prescribed by the state law.

Collection of
taxes.

Sec. 25. Be it further enacted, That the town council shall have full power to collect all delinquent taxes and privileges that become due the corporation, and to this end they shall have power to appoint such officers and agents as they shall deem expedient, who are hereby empowered to proceed to collect all such delinquent taxes, in the same manner that delinquent

Delinquent
taxes.

state and county taxes are collected, and the general statutes of Tennessee in force as to the mode of collection, penalties, etc., at the time of the collection of said taxes shall be enforced, shall apply to and inure to the benefit of the corporation of Rutherford for the collection of its delinquent taxes.

Delinquent
officer pro-
ceeded against.

Sec. 26. Be it further enacted, That if the recorder or marshal of the said town of Rutherford, shall fail to collect, or after collecting, fail or refuse to pay over any money by either of them received, for the use of the town, such recorder or marshal, as the case may be, shall be liable to be proceeded against, by motion or original suit, in the circuit court of Gibson county, or any other court having jurisdiction of the person of such recorder or marshal, as the case may be. And it shall be the duty of such court to enter up judgment against such delinquent officer and his securities for the money so received, or that ought to have been collected in the name of the mayor and board of aldermen of Rutherford, for the use of said town; Provided, That in case the action shall be commenced by motion, such officer shall have five days' notice of the same.

Sec. 27. Be it further enacted, That all ordinances and by-laws now in force in said town of Rutherford, shall be and remain in full force until altered, modified or repealed under the provisions of this act.

Sec. 28. Be it further enacted, That this amended charter is declared to be a public act, and may be read in all the courts of this state without proof.

Sec. 29. Be it further enacted, That all acts or parts of acts contrary to and inconsistent with the provisions of this act, or within the purview thereof, are hereby repealed.

Sec. 30. Be it further enacted, That this act take effect on the first day of July, 1899.

Passed April 20, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate

Approved April 22, 1899.

BENTON McMILLIN,
Governor

CHAPTER 347.

HOUSE BILL No. 792.

AN ACT to enable the town of Bolivar, Tennessee, to issue bonds for the purpose of purchasing sites and erecting and furnishing school buildings thereon.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the town of Bolivar, in Hardeman county, Tennessee, be, and the same is hereby, authorized and enabled to issue and sell coupon bonds in a sum not to exceed in the aggregate ten thousand dollars, the proceeds of which shall be used for the purpose of buying sites and erecting thereon school buildings in and for the town of Bolivar, and in furnishing said buildings.

May issue bonds; purpose.

Sec. 2. Be it further enacted, That said bonds shall be issued on the order of the mayor and board of aldermen of said town; shall be signed by the mayor and countersigned by the recorder, and that the bonds issued under this act shall be of such denomination, bear such a rate of interest per annum, not to exceed six (6) per cent., and mature at such times and places as the corporate authorities may determine; said bonds and interest shall be payable in lawful money of the United States.

Mayor and board to issue; denomination; interest; maturity.

Sec. 3. Be it further enacted, That none of the bonds provided for in this act shall be sold for less than par, and the coupons, when due, shall be receivable for all taxes and dues to the corporation, except the school tax, and the sinking fund hereinafter provided for.

Sold at par; coupons received for tax.

Sec. 4. Be it further enacted, That before the mayor and aldermen shall issue any of the bonds contemplated by this act, they shall first order an election of the voters of said town, and prescribe rules and regulations therefor, and shall give notice of said election by publication in some newspaper published

Election as to issuance.

in said town, at least once a week for three consecutive weeks, or by handbills publicly posted for at least twenty days, specifying in such notice the amount of the bonds proposed to be issued, for what purpose, and providing for a ballot on the proposition; and if a majority of the persons voting at such election are in favor of said proposition, then the mayor and aldermen shall issue the bonds for that purpose, and said election may be held at any time, or as many times, for said purpose, as said mayor and aldermen may determine.

Interest and
sinking fund
tax.

Sec. 5. Be it further enacted, That said mayor and aldermen shall each and every year levy a tax not to exceed thirty (30) cents on one hundred (\$100) dollars, upon all taxable property and privileges of said town to pay the interest on such bonds as may be issued hereunder, and to provide a sinking fund to pay or redeem said bonds at or before maturity, the sinking fund to be used exclusively for the purpose levied.

Bonds disposed
of by treasurer.

Sec. 6. Be it further enacted, That upon the issuance of the bonds under this act the treasurer of said town shall receipt for and receive them, and proceed to dispose of them to the best interest of the town, under the direction of the mayor and board of aldermen, and subject to their approval, and shall keep the funds arising therefrom as a separate and sacred fund, to be used only for the purpose of buying sites, erecting school buildings, and furnishing same; Provided, He shall enter into a special bond, to be approved by the mayor, in double the amount likely to come into his hands, of the funds collected under the provisions of this act, for the faithful handling, safe keeping, properly paying over, and accounting for such funds, with two or more good and solvent sureties, and payable to the town of Bolivar.

Sinking fund.

Sec. 7. Be it further enacted, That it shall also be the duty of the treasurer of said town to receive and hold the funds arising from the sinking fund as a separate fund for the payment of matured bonds and to invest it from time to time in such securities as may be to the best interest of the town, under

direction, and subject to the approval of the board of special school commissioners of said town.

Sec. 8. Be it further enacted, That the said sinking fund tax shall be collected by the regular collecting officer of said town in the same way and on the same terms as other taxes are now collected, and he shall pay same over to the treasurer of said town as other taxes are paid over by law; Provided, he shall first enter into a bond with two or more good and solvent sureties in double the amount of such tax, and conditioned for the faithful collection and proper paying over of said tax, to be approved by the mayor, and payable to the town of Bolivar.

Bond for collection of sinking fund tax.

Sec. 9. Be it further enacted, That the special school commissioners of the town of Bolivar shall have the sole power, and it shall be their duty, to select and make all purchases of building sites, to contract for all buildings, all repairs of buildings, and provide for furnishing all such buildings as may be bought or built by the funds arising from the issuance of bonds under this act.

Buildings, etc., who to purchase.

Sec. 10. Be it further enacted, That the money arising from the sale of bonds issued under this act shall be paid out by the treasurer of the town upon order of the special school commissioners of said town.

Treasurer to pay out money.

Sec. 11. Be it further enacted, That coupons maturing for interest shall be paid by the treasurer out of the general revenues of the town on presentation, and matured bonds shall be paid by him out of the sinking fund on presentation, and all such coupons and bonds so paid off shall be canceled and destroyed in the presence of the mayor and board of aldermen, in open meeting, and the same recorded in full on the minutes of the board.

Treasurer to redeem coupons and bonds.

Sec. 12. Be it further enacted, That the special school commissioners and the treasurer shall receive as compensation for services required of them under this act such pay as the mayor and board of aldermen shall direct by ordinance.

Compensation.

Sec. 13. Be it further enacted, That the recorder shall keep in a well-bound book a record of all bonds issued under this act, showing date of issuance, number of bond, amount, time to run, when matured, number of coupons, and when they are payable.

Bond record.

Sec. 14. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 15, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 19, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 348.

HOUSE BILL No. 897.

AN ACT to authorize Rhea county to fund its outstanding indebtedness, and to provide for the payment of the same.

Certain indebtedness funded.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the county court of Rhea county, at its quarterly session in July, 1899, be, and the same is hereby, authorized and empowered to fund its outstanding indebtedness, and issue coupon bonds of said county, for and in settlement of the same, as follows:

1. All county warrants drawn upon the county fund, issued prior to April 1, 1899, and which may be presented to the trustee for payment prior to July 1, 1899.

2. All judgments and interest thereon which may have been rendered against said county prior to April 1, 1899.

Interest, maturity, coupons

Sec. 2. Be it further enacted, That the bonds herein provided for shall bear interest at the rate of five (5) per cent. per annum, payable semiannually, which bonds and interest shall be payable in lawful money of the United States, and said bonds shall be payable in twenty years from the date thereof, but may be redeemed at any time after ten years by order

said quarterly court, or the financial agent of the county, and there shall be attached to each of said bonds coupons for each installment of interest thereon maturing at the proper date, and bearing the number of bonds to which it is attached.

Sec. 3. Be it further enacted, That each of said bonds shall be signed by the chairman of the county court, and countersigned by the county court clerk, with his official seal affixed thereto, and the coupons attached to each bond shall be signed by said chairman and clerk without the clerk's official seal, and the signature to the coupons may be lithographed. Said bonds may be in the denominations of one hundred dollars and five hundred dollars, and the bonds of each denominations shall be numbered in the order of their issuance, beginning with one, and this act may be printed on the backs of said bonds.

Signature; denomination; numbering.

Sec. 4. Be it further enacted, That said bonds shall not be sold below par, and the chairman of said court shall have the authority to appoint a board of three or five citizens of the county to negotiate the sale of said bonds, and the sale of the same shall be advertised, and sold to the highest bidder, but the funds arising from the sale of such bonds shall be paid direct to the county trustee, who shall forthwith pay the same out on the indebtedness for which they were issued.

Sale of bonds.

Sec. 5. Be it further enacted, That it shall be the duty of the quarterly court of said county, annually, to levy a tax on the taxable property and polls of said county, and on privileges, for the purpose of paying the interest on said bonds, and also for the purpose of creating a sinking fund for the redemption of said bonds. And the chairman of said court shall keep in a well-bound book a record of the number and denomination of all bonds issued, also all bonds redeemed or paid.

Interest and sinking fund tax; bond record.

Sec. 6. Be it further enacted, That the trustee shall collect and account for the tax herein authorized the same as he is required by law to collect and account for other taxes, and shall receive the same compensation as for collecting other county taxes, and shall be liable on his official bond for the same, but the county may, when it thinks proper, require the trustee to collect and account for the same.

Trustee to collect; bond.

tee to give additional bond for the performance of his duties, and for collecting and accounting for said fund. And such sinking fund may be invested by the trustee in such manner as may be directed by the quarterly county court.

Redemption;
call.

Sec. 7. Be it further enacted, That before the expiration of ten years after the issuance of said bonds, the trustee may redeem any of said bonds presented for redemption, out of any moneys that may be in his hands derived from said sinking fund tax, or may receive said bonds in payment of said sinking fund tax, and after the expiration of said ten years it shall be the duty of the said trustee to call for such an amount of said bonds as the sinking fund in his hands will redeem, calling for them by number, commencing with the lowest number and redeeming them in the order in which they were issued, of such as are outstanding, and for this purpose he shall have access to the chairman's book in which said bonds are numbered.

Call; cancellation.

Sec. 8. Be it further enacted, That the call, as provided in section 7 of this act, shall be made on the order of the chairman of the county court by public advertisement, posted at the courthouse door of said county for thirty days, or by publishing the same in any newspaper published in said county, setting out the number and denominations of the bonds thus called for, and such bonds not being presented for payment at the expiration of said thirty days, the interest thereon shall cease from that date, and the coupons not due thereon shall not thereafter be paid, but shall become void; and should the bonds so called for be withheld, then shall the trustee, in like manner, call for other bonds in regular order until the amount required be presented for redemption, and when any such bonds are redeemed, as herein set out, the trustee shall, upon settlement with the chairman of the county court, have credit therefor on account of the sinking fund tax, and after they have been entered on the chairman's book, as aforesaid, said bonds shall be defaced by stamping or writing across the face the same the date when they were accounted for settlement, and the same filed away with the coupons.

thereon and theretofore redeemed, as a part of the records of the chairman's office.

Sec. 9. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 18, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 21, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 349.

HOUSE BILL No. 638.

AN ACT to provide for the inspection of illuminating oils and fluids.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the governor shall appoint for each city or county in this state containing a population of one thousand and over, an inspector of coal oil, carbon oil, petroleum, kerosene oil, gasoline, or any other product of petroleum used for illuminating or burning fluid, by whatever name known, which may be manufactured or offered for sale in the state. That said inspector shall be a competent and qualified person, and shall be provided by the state out of the funds from time to time in the office of the treasurer with the necessary instruments for the testing or inspecting of any such illuminating oils and fluids, which said instruments shall be the standard implements used for that purpose, and shall test all oils and fluids as follows:

First.—The water cup shall have sufficient water in it to rise two-thirds up the side of the oil cup.

Second.—Fill the oil cup with oil to be tested to within one-eighth of an inch of the top.

Inspector appointed; instruments.

Manner of test.

shall, in addition to the brand provided in section 2, ^{Brands.} affix his brand or device upon each package by him inspected, designating first his name and place and date of inspection, thus: "Inspector of _____, 18—;" second, the flash test thus: "Flashed at— degrees temperature;" third, if the fluid inspected has no flash test, then the specific gravity of same, thus: "Specific gravity — degrees;" fourth, the capacity of the package in gallons and outs, thus: "Gallons —, outs —;" Provided, That if hereafter weights shall be established for the ascertaining of the quantity, in place of gauging by gallons, then the inspector shall mark on the package inspected by him the gross weight in place of gallons, as provided for in this section. The inspector shall, in addition to the aforesaid, affix his brand on all packages by him found to contain fluids that have no flash test as aforesaid, with these words: "Highly inflammable."

Sec. 4. Be it further enacted, That if any person, manufacturer, or dealer shall sell to any person what- ^{Selling before inspection; erasing; penalties.} ever in the state any of said illuminating oils and fluids before first having the same inspected as provided in this act, he shall be guilty of a misdemeanor, and on conviction be fined in any sum not exceeding three hundred dollars, and the oils and fluids, if found to be rejected, be forfeited and sold, and the proceeds go to the common school fund of the state. If any manufacturer or dealer of said illuminating oils or fluids shall, with intent to deceive or defraud, alter or erase the inspector's brand, to indicate a different flash test, gravity, or quantity than is found by the inspector, or shall use with such intent packages having any inspector's brand thereon, without having the contents actually inspected, shall, on conviction, be fined in any sum not exceeding fifty dollars for every such offense.

Sec. 5. Be it further enacted, That all prosecutions for fines and penalties under provisions of this act, ^{Indictment; to whom fines go.} shall be by indictment in any court of competent jurisdiction, and when collected shall be paid into the treasury of the county where the offense is committed, one-fourth of which shall be paid to the informer, and three-fourths to the common school fund.

Sec. 6. Be it further enacted, That the inspectors ^{Deputy inspectors.} be hereby empowered, if necessary to the convenient

dispatch of their respective duties, to appoint competent deputies, for whom, they shall be, and are hereby, made respectively responsible and accountable, which deputies are hereby empowered to perform the duties of inspector, and shall be liable, and are hereby made liable, to the same penalties as the inspector.

Inspector not
to be inter-
ested in man-
ufacture.

Sec. 7. Be it further enacted, That no inspector or deputy inspector shall, while in office, be interested, directly or indirectly, in the manufacture or vending of any of the said illuminating oils or fluids to be inspected under this act; nor shall he for the purpose of inspection take away or appropriate any part of said illuminating oils or fluids to his own use, or for the use of any other person, under a penalty of five hundred dollars, to be recovered by indictment in the manner provided for in section 5 of this act.

Term; fees.

Sec. 8. Be it further enacted, That the term of office for said inspectors shall be for two years, or until removed by the governor, and each shall demand and receive from the owner of the illuminating oils or fluids inspected and marked and branded as in this act provided, twenty-five cents for each barrel, and ten cents for each smaller package.

Inspection
in transitu;
fees.

Sec. 9. Be it further enacted, That all oils and fluids, the product of coal, petroleum, or other bituminous substance, which may be used for illuminating purposes, sent from other states to counties in this state, without inspectors of oils and fluids, or sent from counties in this state without the barrels and packages containing the same being branded by law by the inspectors of the county or city from which they were sent, may be inspected in transitu, in the hands of the carrier, forwarding agent, or warehouseman, and the inspector shall demand and receive for a single barrel sent to one party forty cents; for more than one barrel up to five barrels, thirty cents a barrel; and from five barrels to any number twenty-five cents.

Condemned oil
returned; non-
illuminating;
fees.

Sec. 10. Be it further enacted, That when oil specified in section 9 of this act are sent from other states for consumption in this state for illuminating purposes to counties in this state, without an inspector and the oils are inspected in transitu, and condemned as of less flash test than 120 degrees Fahrenheit

inspector is authorized and directed to ship back said oils to the shippers of the oil. And when fluids specified in section 9 of this act are sent into this state to counties or cities in this state without an inspector, and the fluids are inspected in transitu, and found to be without a flash test, or to burn without being heated, the inspector shall brand the barrel or package containing the fluid "unsafe for illuminating purposes." And all packages or barrels containing the fluids which are plainly marked by the manufacturers or shippers "naphtha," "benzine," "gasoline," together with the specific gravity of the fluids may be permitted to go forward to their destination as not intended for illuminating purposes; but all barrels or packages of fluids without a flash test, and which are not branded or plainly marked as aforesaid by the manufacturers or shippers, shall be considered as intended for illuminating purposes, and shall be shipped back in like manner as condemned oil, and the inspector shall notify the shipper of the cause and his action in the premises, and may collect the fees for oils and fluids inspected in the hands of the carrier, forwarding agent, or warehouseman from the carrier, forwarding agent, or warehouseman, as charged on the oils and fluids, and the carrier, forwarding agent, or warehouseman may collect their fees as charges on the oils and fluids, and hold the oils and fluids until paid.

Sec. 11. Be it further enacted, That any inspector of this state, or his assistant, may go to any county in this state without an inspector when he has information that oils or fluids aforesaid of less flash test than 120 degrees Fahrenheit are being sold for illuminating purposes without the barrels and packages containing the same being branded as provided by law, and inspect and brand all the oils and fluids not branded by an inspector of this state, and shall demand and receive thirty cents a barrel for all barrels of oils and fluids aforesaid inspected by him, and the fees to be paid by the owner or the person for the time being in the possession of the oil, on the demand of the inspector.

May go to other counties; fees.

Sec. 12. Be it further enacted, That if any carrier, forwarding agent, or warehouseman shall refuse to the inspection fees as provided in this act, he shall

Misdemeanor not to pay fees.

be guilty of a misdemeanor, and on conviction before a competent tribunal of the refusal to pay the fees, he shall be fined \$10 for each refusal, the fine to go to the school fund of the state.

Fees turned
into state
treasury.

Sec. 13. Be it further enacted, That all inspection fees accruing under this act are charged for the purpose of defraying the expenses connected with the inspection herein provided for, and to this end each of the several inspectors shall turn the same into the office of the state treasury on the first Monday of March, June, September, and December of each year.

Inspector's
sworn state-
ment as to fees.

Sec. 14. Be it further enacted, That each inspector shall make to the comptroller of the treasury, under oath, an itemized statement on each of said dates showing all the fees accrued and collected by him under this act during the quarter just passed, which statement shall show the number of vessels, barrels, and smaller packages inspected, and when and where and the names and residences of the persons, firms, and corporations for whom inspected and gauged, and shall for this purpose keep a record showing same, and which shall be open to the inspection of all persons interested, and to all revenue agents and officers of the state.

Salaries.

Sec. 15. Be it further enacted, That the state treasurer shall, on the first Monday of each of said months, pay to each inspector in cities of 60,000 population or over three hundred (\$300) dollars; in cities of 20,000 population or over, and under 60,000, two hundred (\$200) dollars; in cities of 8,000 population or over, and under 20,000, one hundred (\$100) dollars; in cities or towns of 2,000 or over, and under 8,000, fifty (\$50) dollars; and in cities or towns of 1,000 to 2,000 population, and in each county of over 1,000 population, but having no city or town of 1,000 population or over, twenty-five (\$25) dollars; said population to be computed according to last or succeeding federal census; Provided, That no inspector shall receive more than he collects in fees any one year's service, nor more for any quarter than he collects for such quarter, unless to make good deficit for some preceding quarter. The state treasurer shall also, out of said fees, furnish each in-

Instruments,
etc.

with the necessary instruments or apparatus for testing, gauging, and weighing said oils, fluids, liquors, molasses, etc., but no inspector shall be furnished said instruments by said treasurer unless he collects fees in excess of his compensation allowed hereunder sufficient to pay for the same, and said treasurer shall also out of said fees defray any and all expenses for paper, printing, postage, attorney's fees, record books for inspectors, and otherwise as may accrue hereunder.

Sec. 16. Be it further enacted, That the state treasurer shall keep a separate account of all receipts arising hereunder, and shall report the same to the governor at each meeting of the legislature, together with the report of all the work done under this act.

Treasurer to keep account.

Sec. 17. Be it further enacted, That before entering upon the discharge of his duties, each inspector aforesaid shall enter into bond, payable to the State of Tennessee, conditioned for the proper disposition of the fees collected by him as herein provided, and for the faithful performance of his duties under this act, and to account for all moneys received and collected by him as such inspector; and for inspectors in counties of 40,000 population and under, according to the federal census last preceding the making of the bond, the penalty of the same shall be two thousand dollars; and in counties of over 40,000 population, according to said census, the penalty of the bond shall be five thousand dollars. The bond of each inspector in each county shall be approved by and filed with the county court clerk of that county, and shall also provide in case of suit thereon for a reasonable attorney's fee for the state's attorney.

Bond of inspector.

Sec. 18. Be it further enacted, That on failure of any inspector to turn over and account for the fees as herein directed within ten days after the time herein fixed, or for any other act or omission deemed sufficient by the governor, he shall have the right to remove such inspector from office, and appoint in his place another.

Removal of inspector.

Sec. 19. Be it further enacted, That all acts and parts of acts in conflict with this act be, and they are hereby, repealed, and that this act take effect from

and after the 1st day of July, 1899, the public welfare so requiring.

Passed April 11, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 21, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 350.

HOUSE BILL No. 960.

AN ACT authorizing the county court of McMinn county, Tennessee, to issue bonds for the laying out, construction, and improvement of public roads in said county.

May issue road
bonds; election
as to.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the county court of McMinn county, Tennessee, three-fifths of the justices of the peace being present and voting therefor, be, and are hereby, authorized and empowered to issue bonds of said county, not to exceed \$100,000, for the purpose of laying out, constructing, and improving public roads of said county; but no bonds shall be issued under this act until the proposal to issue the same shall first have been submitted to the qualified voters of said county at an election to be held for that purpose, and shall have been ratified by a majority of those voting. The time of the election shall be fixed by order of the county court. Any election held under this act shall be submitted to the voters of the county by a majority of the votes of the members of the county court at any regular quarterly session or special session held for the purpose.

Sec. 2. Be it further enacted, That on the report being made to the county court of commissioners appointed under and by virtue of chapter 211 of the Acts of 1891 of the general assembly of the State

Tennessee, the county court, a majority of all the justices of the peace being present, shall determine whether to adopt said report as a whole or a part thereof, and when so determined, the county court shall order an issue of the bonds of the county, in denominations of not more than \$500 each, payable in not less than twenty (20) years, with interest coupons attached payable annually, and the bonds shall not bear a greater rate of interest than six (6) per cent. per annum; And provided further, That if the report of said commission shall not be unanimous, the county court shall have power to adopt the report of any member or members of said commission, or to modify the report of any member or members of said commission.

Denomination;
term; coupons.

Sec. 3. Be it further enacted, That said bonds, and each and every of them, shall be payable to bearer in lawful money of the United States, and they shall be signed by the chairman of the county court, and countersigned by the clerk of the county court of said county, and his official seal attached to the same, and shall be issued in such denominations as the county court shall order, not however to exceed \$500, and shall be numbered in the order of their issuance, beginning with one. The coupons to said bonds shall have lithographed thereon the signatures of the chairman and clerk of said court.

Signature; denomination;
numbered;
coupons.

Sec. 4. Be it further enacted, That when the county court shall have determined as hereinbefore provided the extent of the work to be done in laying out, constructing, and improving public roads of said county, the county court shall elect or appoint a commission, composed of not less than three nor more than five persons, in whom shall be vested the power to contract in the name of the county for the proposed work, and who shall let out said work as a whole or in sections or parts, giving the same to responsible contractors, and shall be vested with a general superintendence of said works. Said commission shall organize by electing a chairman and a secretary, and shall keep in a well bound book a complete record of all their transactions, and shall hold their offices until the completion of the work for which they were appointed, but can be removed by the county court for culpable misconduct, inefficiency, or dishonesty, in

Commission;
let contracts;
removal of;
quorum.

which event their successors shall be elected or appointed by the county court. A majority of said commissioners shall constitute a quorum, and shall have power to contract for and in the name of the county for the purposes aforesaid, and said commission shall receive such compensation as the county court may fix.

Engineer.

Sec. 5. Be it further enacted, That said commission shall have the power to appoint an engineer to superintend said work whenever the same shall be deemed necessary by the commission.

Commission not to be interested in contracts.

Sec. 6. Be it further enacted, That no member of said commission shall be interested in any contract made by the commission, directly or indirectly, and on its being made known to the county court that any member of said commission is interested in any of said contracts, his office shall be deemed vacant, and his successor elected or appointed by the county court.

Payments for work.

Sec. 7. Be it further enacted, That the work contracted for shall be paid for at such times as the commission shall deem best, but payments made shall not at any time exceed the work actually done and approved by the commission, or a majority thereof.

Sale of bonds; fund paid out, how.

Sec. 8. Be it further enacted, That said bonds shall be sold by the county chairman, or by a committee appointed by the county court, and the proceeds of said bonds shall be paid into the county treasury as a special fund to be kept separate and apart from all other accounts until the purposes for which the funds were raised are completed. The county trustee shall give a special bond for this fund, and pay the same out upon the estimates of the chairman of said commission, by order and warrant from the chairman of the county court from time to time as the work progresses.

Quarterly report.

Sec. 9. The commission shall make reports to the county court at each quarterly term, showing the progress of said improvements and giving details, and at the completion of the work shall make a final report to said court.

Interest and sinking fund tax.

Sec. 10. Be it further enacted, That it shall be the duty of the quarterly county court of said county annually to levy a tax on the taxable property of said county, for the purpose of paying the annual interest on said bonds, and also for the purpose of creating

sinking fund for the redemption of said bonds herein authorized when they fall due, and the county court is authorized to make provisions for the safe-keeping and disposition of the sinking fund.

Sec. 11. Be it further enacted, That the trustee of said county shall redeem the interest coupons when due, out of the funds in his hands for that purpose, and is also authorized to redeem any of said bonds presented for redemption out of any money that may be in his hands derived from said sinking fund tax presented before maturity. And the said county trustee may, after the expiration of ten (10) years after the date of the issuance of said bonds, redeem any or all of said bonds. Redemption.

Sec. 12. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 17, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 21, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 351.

HOUSE BILL No. 804.

AN ACT to authorize the city of Trenton, Tennessee to negotiate and sell \$2,500 of the bonds issued by said city under chapter 2 of the acts of the first extra session of the forty-sixth general assembly of the State of Tennessee, as amended by the Act of 1897, chapter 317, to enlarge, extend, and improve the waterworks' plant or system recently purchased by said city, and to amend chapter 2 of the acts of the first extra session of the forty-sixth general assembly of the State of Tennessee, and to amend chapter 317 of the Acts of 1897.

Whereas, Under the authority of the act of the general assembly of the State of Tennessee, passed March 12, 1897, being chapter 317 of the Acts of 1897, amendatory of chapter 2, of the acts of the first extra session of the forty-sixth general assembly of the State of Tennessee, there was issued by said city of Trenton \$23,000 in bonds; and,

Whereas, Only \$14,500 of said bonds were negotiated and sold for buying a waterworks plant, leaving \$8,500 of said bonds unnegotiated; therefore,

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the mayor and board of aldermen of the city of Trenton, Tennessee, be, and they are hereby, authorized and empowered to negotiate and sell for the purpose of extending, enlarging, and improving the waterworks plant or system already purchased by said city, \$2,500 of the unnegotiated bonds of said city, issued under the authority of chapter 2, of the acts of the first extra session of the forty-sixth general assembly of the State of Tennessee, and the acts amendatory thereof, being chapter 317 of the Acts of 1897; Provided, That the bonds are not sold at less than their face value.

Sec. 2. Be it further enacted, That chapter 2 of the acts of the first extra session of the forty-sixth general assembly of the State of Tennessee, approved March 6, 1890, and amended by chapter 317 of the Acts of 1897, be, and the same is hereby, amended so as to authorize and empower the mayor and board of aldermen of the city of Trenton, Tennessee, to negotiate and sell \$2,500 of said bonds already issued thereunder for the object and purpose specified in the first section of this act.

Sec. 3. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 18, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 21, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 352.

HOUSE BILL No. 961.

AN ACT to create the office of county attorney of Hamilton county, and to prescribe the duties thereof.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That there is hereby created the office of county attorney of Hamilton county. Said officer shall be elected by the quarterly county court of Hamilton county at its January term for a period of one year, and annually ever thereafter. His salary shall be \$1,000, and shall not be increased or diminished during his term of office.

Sec. 2. Be it further enacted, That it shall be the duty of said county attorney to transact all the legal business of said county, either in court or otherwise,

and to advise the county officials upon legal matters affecting their offices, and no officer of said county shall employ any other attorney save at his own personal expense unless he shall be first authorized and empowered by the quarterly court.

Sec. 3. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 20, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 21, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 353.

HOUSE BILL No. 829.

AN ACT to incorporate the town of Dickson, in the county of Dickson, authorizing it to borrow money and issue bonds for corporate purposes, provide for the election of officers, prescribe their duties, and other purposes.

Name and
style; acquire
and dispose of
property.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the town of Dickson, in the county of Dickson, and the inhabitants thereof, be, and are hereby, constituted a body politic and corporate, under and by the style and name of "Mayor and Aldermen of the Town of Dickson," and shall have perpetual succession by their corporate name, may sue and be sued, plead and be pleaded, grant, receive, and purchase and hold real, mixed, and personal property, or dispose of the same for the benefit of said town, and may purchase, receive, and hold property real and personal, beyond the limits of the town, be used for burial of the dead, for the disposition of dead animals and garbage, for the erection of wa

works, house or houses of correction, public parks, and other corporate purposes, and may sell, lease, or dispose of such property for the benefit of the town, and do all other acts touching the same as natural persons. It shall have and use a common seal, and may change it at pleasure.

Sec. 2. Be it further enacted, That the corporate limits of the said town of Dickson shall embrace the ^{Boundaries.} following territory, to wit: Beginning on the northeast corner Thomas Donaldson's 50 acre tract of land; runs north 87 1 2 degrees west with his line 27 poles to the southeast corner of John Christian's lot; thence north 13 degrees east with the street 89 poles to the center of the railroad, in all 91 poles, to a telephone post with the figures 1723; thence south 48 degrees east with said railroad 45 poles to a stone 1 1-8 poles west of a telephone post with the figures 1717, north 45 1-2 degrees east with a fence 72 poles to the Pond and Dickson road, with post oak pointer; thence south 88 degrees east with said road 7 1-2 poles to a stone; thence south 2 1-2 degrees west 5 1-2 poles to Joe Davis' and the Widow Freeman's corner; thence south 80 degrees east with their line 47 poles to the Dickson and Charlotte road at Rickert alley; thence south 47 degrees east 156 poles to a stone in Mrs. Cox's west boundary line; thence south 33 degrees west 55 poles to the Dickson and White Bluff road; thence south 43 degrees west, crossing the railroad at 30 poles, in all 125 poles to a street; thence north 47 degrees west with said street 75 poles to the corner of Bow Hooper's lot; thence south 43 degrees west with J. R. Bryan's line 38 poles to a stone; thence north 47 degrees west 55 poles to the Dickson and Piney old road; thence north 87 1-2 degrees west with said road 12 poles to Thomas Donaldson's southeast corner; thence north 2 1-2 degrees east 88 poles to the beginning.

Sec. 3. Be it further enacted, That the officers of the town of Dickson to be chosen by the people, shall be a mayor and board of aldermen, constituting a town council, each and all of whom shall be citizens and voters in said town. The board of aldermen shall consist of seven (7) members, chosen by the qualified voters of said town, for one year. No per- ^{Council; term; qualifications.}

son shall be an alderman unless he has been for six (6) months a bona fide resident of the town. Any alderman, after his election, removing from the town, shall thereby vacate his office.

Council to
elect officers;
salaries; dis-
missal.

Section 4. Be it further enacted, That the town council shall, at the first meeting in each year, elect a recorder, marshal, and other officers, servants and agents, as they may deem necessary, and may provide for by ordinance, and shall have power to prescribe the duties of the same, all of which officers, agents, and servants (except the marshal, who may be chosen from the outside), shall be bona fide citizens of and voters in the said corporation. The town council shall also fix the compensation of such officers, etc., before their election, which compensation shall not be increased or diminished during the term for which they were elected. The council shall also have power to dismiss any officer, servant, or agent elected, or by them appointed, two-thirds of said council concurring in said dismissal, for any misdemeanor or misconduct. The town council shall also fix the salaries of the mayor and board of aldermen, to be chosen for the next corporate term, at the regular election, to be held on the first Tuesday after the second Monday in May of each year, which compensation shall not be changed unless two-thirds of the new board of mayor and aldermen concur therein, and then not increased during the term for which they were elected. The salary or salaries of any of the other officers or agents shall be fixed by the incoming board of mayor and aldermen.

Powers.

Sec. 5. Be it further enacted, That the town council shall have power, by ordinance, within the town—

1. To assess property for taxes, and levy and collect, by proper officers, taxes upon all real estate and personal property, polls and privileges taxable by the laws of the state.

2. To appropriate money and provide for the debt and expenses of the town.

3. To make regulations for the prevention of the introduction of contagious diseases into the town and community, to appoint and empower a board of health.

for that purpose, and to force the instructions to same within one mile of the town limits.

4. To establish a hospital or hospitals, make and put in force regulations for the same.

5. To establish a system of free schools, and maintain them by taxation; said schools shall be under the control of a school board of three male members resident within the corporate limits, who shall be elected at the regular election of officers by the people for said corporation, to serve for a period of three years; Provided, That at the first election the three members shall be elected so that the one receiving the highest number of votes shall serve for three years; the one receiving the next highest number shall serve for two years; and the next highest number shall serve for one year, and that one shall be elected annually thereafter, so that three members shall be at all times in office. Said board shall, within thirty (30) days from date of election meet and organize by electing one of its members president, and one secretary, to serve one year, or until his successor is chosen. Said board shall have power to employ teachers, and otherwise operate said schools in said town.

6. To make regulations to secure the general health of the inhabitants, and to prevent and abolish nuisances of any character.

7. To provide Dickson with waterworks, or contract with others for the same within or beyond the town limits, for town or corporation purposes.

8. To open, alter, abolish, widen, extend, establish, grade, or otherwise improve, clean, and keep in good order all streets, alleys, sidewalks, pavements, and other ways of travel, or to have the same done.

9. To erect, establish, and keep in repair bridges, culverts, sewers, and gutters.

10. To provide for the lighting of the streets and public buildings by electric light, or other means.

11. To establish market houses, markets, and regulate the same.

12. To provide for the erection of all buildings necessary for the use of the town.

13. To provide for the inclosing, improving, and regulation of all public grounds in or out of the town limits.

or otherwise, all breaches of the peace, noise, or disturbance, disorderly assemblages in any alley or street, house or place, in town, by day or by night; to prevent and remove all encroachments in and upon all streets, lands, parks, avenues, and alleys established by law or ordinance.

24. To remove all obstructions from the sidewalks, and to provide for the construction and repair of all sidewalks and curbstones, and for cleansing of the same, and of gutters, at the expense of the owners of the ground fronting the same.

25. To regulate, tax, license, or suppress the keeping or going at large of animals within the town, or any prescribed or designated part of the town; to provide pounds, and impound any animal or animals, and in default of redemption, in pursuance of ordinance, to sell, dispose of, or kill the same.

26. To pass all ordinances not contrary to the constitution and laws of the state that may be necessary to carry out the provisions and full intent and meaning of the object of their incorporation.

27. To commit any person or persons who may fail or refuse to pay or secure any fine or cost imposed on him, her, or them, by any ordinance of said town, to the jail or workhouse of Dickson county until such fine and cost be fully paid or secured. Every person so committed to the jail or workhouse shall be required to work for the town at such labor as his or her strength and health will permit, within or without said jail or workhouse, not exceeding ten (10) hours each day, and for such work the person so employed shall be allowed, exclusive of board, a credit upon such fine and costs of not less than twenty-five (25) cents per day until the whole is paid, when he or she shall be released; Provided, That no person shall be forced to work for longer period than three months for any one offense.

28. Said corporation may enter into agreement with Dickson county to commit persons to the jail or workhouse of the said Dickson county upon such terms as may be arranged.

29. To prepare and have published a digest or compilation of all ordinances and resolutions of a public nature in force within six months after the

passage of this act, and a like digest as often thereafter as may be deemed necessary, to be paid for out of the corporation treasury.

30. No member of the town council shall become a bondsman for any officer, servant, or agent of the town, nor be interested directly or indirectly in any contract with the corporation, nor shall any officer of the town council vote on any proposition in which he has any pecuniary interest.

31. To judge of the qualifications, election of its members, and the returns of such elections, and to determine how vacancies shall be filled, and to prescribe rules for the government of the board of mayor and aldermen.

Elections;
terms of office;
voters, qual-
ifications of.

Sec. 6. Be it further enacted, That the first election for mayor and aldermen, under this act, shall be held by the board of election commissioners for Dickson county, on the first Tuesday after the second Monday in May, 1899, in accordance with the election laws of Tennessee. All elections thereafter for the town of Dickson shall be held by the town marshal, aided by two clerks and two judges, all of whom, except the marshal, shall be legal voters of said town, on the first Tuesday after the second Monday in May, every year thereafter, after giving ten days notice in the town paper, if there be one; if not, then by posting written or printed notices in public places. Voters shall vote by ballot under such rules and regulations as the board of mayor and aldermen may prescribe as to place, hours, etc., of voting, by ordinance. The officers of the town thus chosen shall go into office at the first meeting after the election, and hold for one year, or until their successors are elected and qualified. The following shall be the qualifications for voting in the town election:

1. The voter shall be qualified to vote for state and county officers.

2. He shall have resided for six months next preceding the election within the town limits, and shall be a male citizen.

3. A voter's residence is hereby defined as the place where he habitually sleeps.

Judges, etc., of
elections.

Sec. 7. Be it further enacted, That the judges and clerks to hold said election shall be sworn and qu

ified according to the election laws of the state, and said elections shall be conducted in all respects as all the various state and county elections by virtue of the election laws of the state. The judges and clerks shall preserve the ballots, talley sheets, and poll lists, and file them with the recorder, who shall preserve the same.

Sec. 8. Be it further enacted, That the persons receiving the highest number of votes, respectively, for mayor and aldermen shall be declared elected, and it shall be the duty of the officers holding said election to make out and deliver to the recorder a certificate of election within three days after their election, which certificate shall be produced at the first meeting of the board, and a minute thereof shall be made upon the records of the town; and if the marshal shall fail to hold said election at the time herein mentioned, it shall be his duty to hold it as soon thereafter as possible, giving the requisite notice, and for failure to hold said election as prescribed in this act, he shall forfeit and pay to the corporation the sum of five hundred dollars, to be recovered by action of debt in the name of Dickson; and, if there be no marshal, or he be a candidate for any office, or incompetent for any reason, the election shall then be held by a person to be appointed by the mayor and aldermen under the same regulations and penalties as heretofore prescribed.

Majority
elects; certifi-
cate; failure
to hold election

Sec. 9. Be it further enacted, That a majority of the town council shall constitute a quorum to do business; and if the mayor and aldermen, or any officer, should die or resign or move out of the town limits, the vacancy shall be supplied by the council at its next meeting, or as soon thereafter as may be necessary, and the person or persons so elected shall perform the same duties and be vested with the same powers and privileges as the person whose duties they were appointed to fill, and upon like conditions. The mayor who has not, at the time of his election, ively, take an oath before entering upon the duties of their office, to execute the same faithfully and impartially, and the mayor and aldermen shall also take an oath to support the constitution of the United States and the constitution of Tennessee.

Council quo-
rum; vacancy;
official oath.

fine imposed by the recorder or aldermen of said town, for violation of any of its ordinances, to any circuit court of Dickson county, Tennessee, the person so appealing shall give bond and security for the payment of said fine and cost, and to abide by and perform the judgment of the court on appeal, and shall, in no case, be entitled to an appeal from said fine and cost on the pauper's oath. The recorder shall keep an accurate minute of all proceedings of the town council, issue privilege license, and collect taxes on same; he shall collect all special taxes levied by the town council, and shall keep a proper ledger account of the same; he shall make out the town tax book, and turn the same over to the marshal for collection, taking his receipt therefor, under the state laws regulating the assessor of all state and county taxes. The compensation for his services, to be fixed by the town council, shall not be less than twenty-five dollars, nor more than six hundred dollars per annum. He shall have supervision over and care of other town property, unless otherwise provided for by ordinance. The recorder shall perform such other duties as the town council may, by ordinance, impose upon him. He may, by ordinance or resolution, be required to act as treasurer. The town treasurer shall receive from the town marshal and recorder, receipt, take care of and keep proper account of all funds of whatever nature may come into his hands. For such purpose he shall keep such book or books as the town council may direct. He shall make out and present quarterly, or oftener, if required by council, a full and explicit report and account of all finances of the town, which report the town council shall order published in the town paper for the information of the town, paying legal rates therefor; if there be no paper published within the town, then such report shall be printed in convenient form and left in the recorder's office for distribution to the people of the town. Before entering upon the discharge of his duties he shall give bond with good security, conditional upon the faithful and honest discharge of all duties pertaining to his office, and similar in all respects to that of the marshal and recorder, as hereinafter prescribed. He shall perform such other duties pertaining to his office as

Minutes;
privilege
taxes; tax
book; salary.

Treasurer; re-
ceive funds;
report quar-
terly; bond.

Recorder pro
tem; marshal.

the town council may provide. In the absence of the recorder the mayor may designate an alderman who shall, for the time, be vested with the power of the recorder to try and determine cases. The town marshal shall thoroughly acquaint himself with the laws and ordinances of the town, and it shall be his duty to rigidly enforce the same, for which purpose full police power is hereby given him, which he may promptly exercise without warrant in hand. He shall collect all taxes levied by the council, except privilege and special taxes, and perform such other duties as the town council may, by ordinance or resolution, impose upon him. He shall have power to execute state warrants and other processes, which constables have, within the town limits. The marshal shall be chief of police organized within the corporation.

Fees of re-
corder and
marshal.

Sec. 11. Be it further enacted, That the recorder and marshal receive such fees as the justices of the peace and constables are authorized to receive for rendering judgments, services of process, etc., and shall receive such other compensation as the council may allow them.

Bonds of re-
corder and
marshal; quar-
terly reports.

Sec. 12. Be it further enacted, That before entering upon their duties the recorder and marshal enter into a bond, with good securities, in double the supposed amount of money which may come into their hands (the amount of such bonds to be fixed by the town council), conditional upon the faithful discharge of their duties, and upon the diligent collection and faithful accounting for all moneys that shall, or ought to, come into their hands for fines, forfeitures, or other moneys due said town, and which ought, by law, to be collected and paid over by them; and the said marshal shall be liable as herein mentioned, for failing to collect money, to return process, or pay over money collected by process issued by the recorder or aldermen. Said bonds shall be made payable to Dickson or its treasurer for the use and benefit of said town. Said bonds shall be filed and carefully preserved among the records of said town. The town marshal and recorder shall pay over to the treasurer all sums of money by them received for said town to Dickson. They shall both render quarterly, and much oftener as the town council may require, :

and complete statements of the finances under the control of each of them.

Sec. 13. Be it further enacted, That the duties of the other officers, servants, and agents of the town shall be such as the town may by ordinance prescribe.

Sec. 14. Be it further enacted, That it shall be the duty of the jailer of Dickson county to receive and keep in jail any person who may be committed to his charge for breach of the by-laws and ordinances of said town, and all violators and disorderly persons committed to his charge by the town marshal or other officers of the town, for which he shall receive such fees as may be agreed upon by the town council by and with his consent; Provided, The corporation and Dickson county agree as hereinbefore provided.

Jailer to receive offenders.

Sec. 15. Be it further enacted, That when any tax or duty shall be levied or imposed by said corporation upon any real estate lying within said town of Dickson, and the owner or owners, occupier or occupiers thereof shall not pay the same, and the town marshal makes returns of the fact, under oath, that the owner or owners have no personal property within said town upon which to distrain for said taxes or duty, it shall be the duty of the recorder, by and with the consent of the council, to take such steps for the collection of all such taxes or duties as are or may be provided for by the laws of the state.

Delinquent taxes, collection of.

Sec. 16. Be it further enacted, That if the recorder or town marshal of said town shall fail to collect, or after collecting fail or refuse to pay over any money by either of them received for the use of the said town, said recorder or marshal, as the case may be, shall be liable to be proceeded against by motion or suit at common law in circuit court in Dickson county, or any court having jurisdiction of the person of such recorder or marshal as the case may be; and it shall be the duty of such court to render up a judgment against such delinquent officer and his sureties for the money so received, or that ought to have been collected in the name of Dickson, for the use of said corporation; Provided, That if the proceedings be by motion, such officers shall have five days' notice hereof.

Proceedings against delinquent officer.

Sec. 17. Be it further enacted, That the board of

annually, and used exclusively for the purpose levied; and to be sufficient, with its accumulations, as near as may be estimated, to meet or retire the principal indebtedness by its maturity.

Sec. 22. Be it further enacted, That said corporation, through its council, before issuing the bonds, Commissioners shall elect three citizens as sinking fund commissioners, who shall be so first elected that one of the said commissioners shall be elected for one year, one for two years, and one for three years, and every year thereafter one shall be elected to serve three years, so as to keep number of commissioners three at all times.

Sec. 23. Be it further enacted, That said commissioners shall take an oath to faithfully discharge their duties, and give bond under such penalties and condition, and serve for such compensation as may be prescribed by ordinance. Oath, bond, compensation.

Sec. 24. Be it further enacted, That such commissioners shall receive sinking fund tax and invest same Sinking fund invested; bonds canceled. from time to time in bonds of the incorporation, if any are redeemable, or other securities, to be approved by the council, until bonds become redeemable, and settle their accounts as may be required by ordinance; Provided, however, That when any bond is redeemed, it shall be canceled or destroyed in the presence of the council, and a record kept of the same.

Sec. 25. Be it further enacted, That the said bonds shall not be issued unless authorized by a two-thirds Election as to issuance. majority of the votes cast by the qualified voters voting at an election to be held by order of the board of mayor and aldermen at any time, and as many times as the mayor and aldermen may deem necessary.

Sec. 26. Be it further enacted, That this act is declared a public law, and may be read in evidence in all This a public act. courts of law and equity; and all ordinances, resolutions, and proceedings of the board of mayor and aldermen may be proved by the seal of the corporation, attested by the recorder.

Sec. 27. Be it further enacted, That this act take effect from and after it is ratified and adopted by a Election as to adoption of this act. majority of the qualified voters as defined in section 3, subsection 3, voting in elections held as hereinafter provided for said purpose, the public welfare requiring it. For this purpose it shall be the duty of the

board of election commissioners of Dickson county to open and hold an election in said town of Dickson on Thursday, April 27, 1899, at which election the qualified voters of the corporation proposed herein shall be permitted to vote for adoption or rejection of the same; Provided, That only one election shall be held for that purpose, and if a majority of the voters voting vote "For the corporation," this act shall from the public announcement of the result of such election be in full force and effect, otherwise it shall be of no force or validity. Those voting against said corporation shall vote "Against the corporation." The election commissioners for said county of Dickson shall give notice of said election by notices posted in at least three places in said town. Said commissioners shall include in said notice the names of three reputable voters in said town who shall act as judges, and two reputable voters in said town who shall act as clerks in said election; Provided, That if possible all of said judges and clerks shall not entertain the same view as to the adoption or rejection of this charter. The board of said commissioners, judges, and clerks must certify the result of such election, and publish the same by written or printed notices within the town of Dickson.

Passed April 20, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 22, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 354.

HOUSE BILL No. 719.

AN ACT for the protection of battlefields and markers, monuments, etc., placed thereon or adjacent thereto.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That it shall be a misdemeanor for any person to wilfully destroy, mutilate, deface, abuse or injure in any manner, or remove any slab, monument, tomb, grave stone, marker, or any other structure, or any fence, railing, or other work for protection or ornament placed upon or adjacent to any battlefield in this state, by individuals or by any battlefield association.

Sec. 2. Be it further enacted, That any person convicted of any offense enumerated in the foregoing section shall, upon conviction, be fined not exceeding one hundred dollars and imprisoned in the county jail not exceeding thirty days, and grand juries are hereby clothed with inquisitorial powers to send for witnesses and prefer presentments against any persons guilty thereof.

Sec. 3. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 21, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 22, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 355.

HOUSE BILL No. 348.

AN ACT authorizing fish to be caught in baskets and nets in Jefferson county.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That hereafter it shall be lawful to catch fish in any of the streams of Jefferson county with baskets.

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with this act be, and the same are hereby, repealed.

Sec. 3. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 21, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 22, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 356.

HOUSE BILL No. 286.

AN ACT to require persons, companies, and corporations operating railroads within the State of Tennessee to grade and keep in repair upon the right of way and track of such railroads all public roads crossing the same.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That every company

corporation or person operating a line of railroad within the State of Tennessee shall be required to grade to a level with the rails of said railroad and to keep in repair every public road crossing such railroad for a distance of ten (10) feet on each side of such railroad track and between the rails thereof; Provided, That the provisions of this act shall not apply within the limits of any city, taxing district, or incorporated town.

Sec. 2. Be it further enacted, That the failure of any such company or corporation or person to comply with the requirements of section 1 of this act shall be deemed to be a misdemeanor, and punishable as such.

Sec. 3. Be it further enacted, That this act take effect from and after July 1, 1899, the public welfare requiring it.

Passed April 21, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 22, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 357.

HOUSE BILL No. 959.

AN ACT to amend an act passed April 30, 1897, approved April 30, 1897, entitled an act to amend chapter 20 of the acts of the extra session of 1885 entitled an act to divide the State of Tennessee into judicial circuits and chancery divisions."

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That section 1 of the acts passed April 30, 1897, approved April 30, 1897, being chapter 294 of said act, be so amended as to read follows: Macon county, second Monday in March and third Monday in July and November; Smith

county, fourth Monday in March and first Monday in August and December; Trousdale county, third Monday in March and fourth Monday in July and November.

Sec. 2. Be it further enacted, That this act take effect September 1, 1899, the public welfare requiring it.

Passed April 21, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 21, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 358.

HOUSE BILL No. 350.

AN ACT to be entitled "An act to make it the duty of the county courts to make contracts for the employment on the public roads of prisoners confined in the county jails for the nonpayment of fines and costs adjudged against them.

Board to contract for working prisoners on public roads

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the judge or chairman of the county court, the county court clerk, and the sheriff of each county in the State of Tennessee are hereby constituted a board for their respective counties whose duty it is hereby made to enter into contracts with public road commissioners or other officers or road contractors having the superintendence of working the public roads of this state, for the employment on the public roads of prisoners confined in the county jails for the nonpayment of fines and costs adjudged against them by the courts. The said contracts are to be made without delay when a prisoner is confined in the county jail, and it is hereby made the duty of those having the superintendence

the working of the public roads, or road contractors, to enter into contracts immediately with the above-named board for the employment of said prisoners.

Sec. 2. Be it further enacted, That said contract shall be made and said prisoners shall be employed ^{Guard.} according to the following provisions and restrictions: It shall be the duty of the sheriff of the county to select a guard for the said prisoners to guard them from the time the same are removed from the county jail to be put to work, until returned. It shall be the duty of the county court to furnish said guard with picks to be placed on each prisoner during the time of their removal from the county jail and employment on the public roads, to prevent them under any circumstances from escaping, and said guard shall be responsible for the safe return of said prisoners to the county jail. While guarding said prisoners he shall be clothed with the same authority, and his duties and powers shall be the same, as pertain to sheriffs in the guarding of prisoners in the State of Tennessee.

Sec. 3. Be it further enacted, That said prisoners shall be worked on any of the public roads of the county, and the same number of hours of labor per day as required by the public road laws of the state shall constitute a day's work, and said prisoners shall be allowed seventy-five cents for each day's work in addition to twenty-five cents now allowed by law, which amount shall be credited to his fine and costs. Said work shall be under the supervision of the guard having instructions from at least two members of the board of employment on what road and places and how he shall have the work performed. Said guard shall receive for his services not exceeding one dollar per day for each day employed, or such amount not exceeding one dollar per day as the sheriff shall agree to pay him, and the chairman or judge of the county court, on the order of said court, shall draw his warrant on the county trustee, who shall pay said guard for his services out of the county treasury. The sheriff of the county, or any of his deputies, may act as guard for said prisoners while they are absent from the jail, or said sheriff shall appoint a good man to serve as guard for said prisoners during the time.

Pay per day of
guard and
prisoners.

Sec. 4. Be it further enacted, That the provisions

Construction
and applica-
tion of act.

of this act shall not be construed to conflict with the provisions of chapter 123 of the Acts of 1891, providing for the construction of workhouses in any county in this state, or declaring any county jail in the state a workhouse, but shall be construed as supplementary to said Act of 1891, chapter 123, and that this act shall apply to such counties as are not now actually working all of their prisoners confined in the county jail of this state for nonpayment of fines and costs adjudged against them, or that may hereafter not be actually working said prisoners, according to the provisions of chapter 123 of the Acts of 1891.

Counties may
combine.

Sec. 5. Be it further enacted, That the county employment boards created by this act, of any two or more adjoining counties, when they deem it advisable, may combine the prisoners of said counties and work them on the public roads of said counties according to the rules and regulations provided for in the foregoing sections of this act.

Refusal of
prisoner to
work.

Sec. 6. Be it further enacted, That any prisoner refusing to work shall be fed only with one meal per day until he is willing to render good service as a laborer and proves it by doing good work.

Sec. 7. Be it further enacted, That this act take effect thirty days after the adjournment of this general assembly, the public welfare requiring it.

Passed April 20, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 21, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 359.

HOUSE BILL No. 814.

AN ACT to amend chapter 127 of Acts of 1895, relative to the protection of fish in Washington county.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That chapter 127 of the Acts of 1895, be so amended as to allow citizens to fish with traps, nets, and baskets in that part of Nolachucky river and Watauga river within the boundaries of Washington county; Provided, That no net shall be of less catching capacity than one and one-half (1 1-2) inch mesh; And provided, That no trap shall be so constructed as to prevent the free passage of fish up and down said streams at any tide of water.

Sec. 2. Be it further enacted, That the penalty for killing fish by explosives, dynamite, and poisons remain in full force as shown in chapter 127, Acts of 1895.

Sec. 3. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 20, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 21, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 360.

SENATE BILL No. 438.

AN ACT to authorize the board of directors of Cookeville high school to convey the school grounds and buildings of Cookeville high school to the trustees of the Cookeville collegiate institute, and to provide for the election of trustees for the same.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the board of directors of the Cookeville high school, of Cookeville, Putnam county, Tennessee, be, and they are hereby, authorized and required to transfer and convey, by deed conveying title in fee, or such title as by law belongs to Cookeville high school, to J. H. Curtis, J. F. Dyer, J. Whitson, James Isbell, and W. W. Smith, as trustees of the Cookeville collegiate institute, and their successors, as trustees of said institute, the lot of land and buildings thereon and all hereditaments and appurtenances thereunto belonging, the same being the location where Washington academy formerly stood, and situated in said town aforesaid. The same to be forever used for education purposes.

Sec. 2. Be it further enacted, That the last Saturday in April, 1900, and every two years thereafter on the last Saturday in April, the qualified voters of said town shall elect trustees for said institute. The term of office of the trustees so elected shall commence on the 15th day of June next following said election, and continue for two years, or until their successors in office are elected. Said trustees, when so elected, shall organize by electing one of their number president, another secretary and treasurer, and as such board shall have the power to sue and be sued, and to transact any and all business necessary for the employing of teachers, or leasing the ground or buildings for the purpose of carrying on a school of high grade in said institute. All persons eligible to vote for representative shall be entitled to vote for the above named trustees at said election.

Sec. 3. Said election shall be held by the sheriff of said county, or some one deputed by him for that purpose, who shall appoint three judges and two clerks, and administer to them the oath prescribed by law for other elections, who shall receive the vote cast, and certify the same to the sheriff, who shall file the same in the office of the county court clerk of the said county. All qualified voters, as hereinbefore mentioned, who live or reside within the following boundary, shall be eligible to vote in said election, which boundary shall be as follows: Beginning at the residence of Hon. D. L. Dow, including him, running thence to Wm. Ray's, including him, thence to J. F. Scott's, including him, thence to J. H. Capshaw's, including him; thence to the residence of Dr. L. R. McClain, including him and the farm of the Douglas heirs; thence to Capt. S. G. Slaughter's, including him; thence to R. L. Reagan's, including him; thence to Lafayette Buck's, including him; thence to the residence formerly occupied by Wm. Duke, including the same; thence to the residence of Ben Rash, including him, and thence to the beginning, so as to include the residence of Mr. Stultz.

Sec. 4. Be it further enacted, That no set of trustees shall have power to make any contract in regard to said property or school to extend beyond their term of office; that said board of trustees to whom this conveyance is required to be made, shall be, and are hereby, declared to be the first board of trustees of said institute, and will hold their office until the first election hereinbefore mentioned.

Sec. 5. Be it further enacted, That all laws in conflict with this act are hereby repealed. That this act shall take effect from and after its passage, the public welfare requiring it.

Passed April 14, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved April 19, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 361.

HOUSE BILL No. 390.

AN ACT authorizing the city of Clarksville to issue twenty thousand dollars of filter bonds.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That it shall be lawful at any time within two years after the passage of this act for the board of mayor and aldermen of the city of Clarksville, Tennessee, to issue the coupon bonds of the said city for the sum of twenty thousand (\$20,000) dollars, payable in lawful money of the United States, for the purpose, in the manner, and under the restrictions hereinafter provided, the said bonds to be designated and styled "filter bonds."

Sec. 2. Be it further enacted, That the bonds issued under this act shall be of such denomination, bear such rate of interest not exceeding six per cent. per annum, shall be due at such time not exceeding thirty years from date, and be payable at such place as the board of mayor and aldermen may, by ordinance, determine.

Sec. 3. Be it further enacted, That the bonds issued under this act shall, in no event, be sold for less than par.

Sec. 4. Be it further enacted, That the proceeds of the bonds issued under this act shall be applied exclusively to the building, construction, and equipment of a filter plant in connection with the waterworks system of the city, including all necessary grounds, buildings, and machinery in connection therewith; Provided, That should there be a surplus remaining after completing the payments for a filter plant, the same shall be applied to the further improvement of the said waterworks.

Sec. 5. Be it further enacted, That said bonds shall not be issued unless authorized by a vote of two thirds of all the aldermen of the city. The ayers

noes shall be taken and entered on the minutes of the board.

Sec. 6. Be it further enacted, That all bonds and coupons issued under the provisions of this act shall be signed by the mayor and recorder of said city of Clarksville; Provided, The signatures to the coupons may be lithographed.

Sec. 7. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 15, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 20, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 362.

HOUSE BILL No. 819.

AN ACT to prevent horses, cattle, sheep, swine, and goats from running at large in Tipton county, and to provide a penalty for violating the provisions of this act.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That it shall be unlawful for any person or persons owning horses, cattle, sheep, swine, and goats willfully or knowingly to permit said stock to run at large in Tipton county.

Sec. 2. Be it further enacted, That any one violating the provisions of section 1 of this act shall be liable to the party or parties injured for all damage or injury done by said stock.

Sec. 3. Be it further enacted, That any violation of the provisions of this act shall be declared a misdemeanor, and punished by fine of not less than two nor more than twenty-five dollars.

CHAPTER 363.

HOUSE BILL No. 974.

AN ACT to incorporate the town of Kenton, in Obion and Gibson counties.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the inhabitants of the town of Kenton, the same being and lying in Obion and Gibson counties, are hereby constituted a body politic and corporate, under the name and title of Mayor and Aldermen of the town of Kenton, in the following stated boundaries, to-wit: Beginning Boundaries. at an iron stake 1237 feet north of the M. and O. depot, said stake in a culvert of the M. and O. railroad, and in the center of said road; thence south 208 poles, west 73 degrees, to a stake in the north fence of J. D. Carroll's orchard; thence south 140 poles to a stake in Benson Carroll's field, and crossing into Gibson county; thence east 242 poles to a stake south of C. G. Tilgham's residence; thence north 35 degrees east, passing switch stand at 67 poles and continuing at same bearing 74 poles to an elm and beech pointers, and crossing back into Obion county; thence north 29 degrees west 138 poles to a stake; thence north 66 poles, west 60 degrees, to the beginning.

Sec. 2. Be it further enacted, That the mayor and aldermen of Kenton shall have perpetual succession, shall sue and be sued, implead and be impleaded, in all courts of law and equity, and in all actions whatever. May acquire and dispose of property. May purchase, receive, and hold property, real and personal, within said town, and may purchase, receive, and hold property, both real and personal, beyond the limits of the corporation, to be used for the burial of the dead, for the erection of water-works, workhouse or house of correction, and may buy, lease, or dispose of such property for the benefit of the town of Kenton, and do all other acts in and

about the same as natural persons. They shall have and use a common seal, which may be changed at pleasure.

Elective officers; term; board, mayor, etc.

Sec. 3. Be it further enacted, That the officers of the town of Kenton to be chosen and elected by the qualified voters of said town shall be a mayor, recorder, a marshal, and six aldermen. Said mayor and recorder, who, by virtue of his office shall exercise and perform, in addition to his duties as recorder, the functions and duties of an alderman, and six aldermen shall constitute the board of mayor and aldermen for the town of Kenton. Each and all of whom shall be citizens and qualified voters of said town, and shall hold their office for two years, and until their successors are elected and qualified; and said officers shall be elected on the first Thursday in June, biennially.

Oath of office.

Sec. 4. Be it further enacted, That the mayor and recorder and aldermen, before entering upon their duties, shall each take an oath before some justice of the peace or other person qualified by existing law to administer oaths, that they will honestly and faithfully discharge their duties of the office without partiality, favor, or affection.

Quorum of board; mayor pro tem.; vacancies.

Sec. 5. Be it further enacted, That the legislative power of said town of Kenton shall be exercised by the board of mayor and aldermen of Kenton, elected and qualified under the provisions of this act, over whose meetings the mayor shall serve as presiding officer and cast the deciding vote when there is a tie. A majority of all the aldermen shall constitute a quorum for the transaction of business. In the event the mayor shall be temporarily absent, the board shall elect one of its members to preside over the deliberations of the body, in which event one more than a quorum shall be present. In the event of death of the mayor, or should his office become vacant by removing from said town, or resignation or impeachment, or other cause, then the board shall proceed at the first regular meeting thereafter to elect one of their number mayor, to fill his unexpired term and the board shall then elect some other person eligible to the place to fill vacancy thus occasioned in the unexpired term. And the board of mayor and

dermen of Kenton shall have the power to fill all vacancies occurring in the board and in the office of recorder and marshal of said town on account of death, removal, resignation, impeachment, or other cause.

Sec. 6. Be it further enacted, That no person shall be eligible to the office of mayor and recorder or aldermen unless he be a resident of, and owner of taxable free holder in said town, and a citizen in Tennessee who has resided in the town of Kenton, within said corporation limits, at least two years immediately preceding his election, and should any cease, the office becomes vacant. Who eligible.

Sec. 7. Be it further enacted, That the board of mayor and aldermen of Kenton shall judge of the qualification, election, and returns of members of the board and other officers, and shall prescribe rules for the determination of contested elections, from which any party agreed shall have the right of appeal to the circuit court as in all other cases provided by law, and shall prescribe its own rules of proceeding and punishment of its own members for malfeasance, misfeasance, nonfeasance, drunkenness, or any other misconduct in office, and enforce the same. Two-thirds of the remaining members of the board present and voting to concur, may expel a member for such malfeasance, misfeasance, nonfeasance, drunkenness, or other misconduct, which vacancy shall be provided for as in other cases. A less number than a majority can adjourn from day to day, and may, by ordinance, compel the attendance of absent members by fine and penalties. For all investigations of charges against such members, or other officers of said corporation, the mayor shall, at the discretion of the board, issue subpoenas and compulsory process to compel the attendance of witness and the production of books and papers. The board of mayor and aldermen shall hold its meetings at such times as it shall determine, not more than one stated meeting a month. Contested elections; charges; meetings.

Sec. 8. Be it further enacted, That the mayor and aldermen of Kenton shall, at the first meeting after election, elect a treasurer, who shall be a member of the board of aldermen, and such other officers, ser- Board to elect officers; fix pay

of the town of Kenton, to levy tax on said property, and fix the rate of taxation, to provide for the collection of same, to provide when the same shall come due and payable, and when the same shall bear interest, and to provide for the reasonable penalties for the nonpayment of said tax.

12. To license, regulate, and tax auctioneers, grocers, retailers, brokers, merchants, coffee houses, retailers of liquors, confectioners, hucksters, peddlers, livery, sale and feed stables, keepers of Jenny Lind billiard tables, ten pin alleys, and all other privileges taxable by the state.

13. To license, tax, and regulate, and suppress theatrical and other exhibitions, shows and amusements.

14. To regulate and prohibit or suppress disorderly and bawdy houses or houses of ill fame.

15. To provide for the prevention or extinguishment of fires, to organize and establish and regulate fire companies; to regulate, restrain, or prohibit the erection of wooden or brick buildings in the business portion of the said town.

16. To regulate the police of the city; to impose fines, forfeitures and penalties for breach of any ordinance, and to provide for their recovery and appropriation.

17. To provide for the arrest and confinement until trial of all riotous and disorderly persons within the corporation, on any street, house, or place in said town by day or night; to authorize the detention of all suspicious persons found violating any ordinance of the town.

18. To prevent and punish by pecuniary penalties all breaches of the peace, noise, disturbance of disorderly persons within the corporation in any street or place within the said town by day or night.

19. To regulate and provide for the construction and repair of sidewalks and foot pavements, and if the owner or owners of any lot shall fail to comply with the provisions of any ordinance requiring such owner or owners to build or repair after due notice, the town may build the same as the board so orders, and the town of Kenton shall pay the same, and the amount so paid shall be a lien on said lot or lots of

lands and the improvements thereon, which may be enforced by any court of competent jurisdiction under the proper proceedings brought in the name of mayor and aldermen of Kenton.

20. To pass all ordinances not contrary to the constitution and laws of the state that may be necessary to carry out the full intent and meaning of this act, and to accomplish the object of this incorporation.

Passage of
bills; veto.

Temporary va-
cancies; special
board meetings

Sec. 10. Be it further enacted, That it shall be the duty of the mayor to carefully examine all bills passed before affixing his signature, and should any such not meet his approval, he shall at the next regular meeting of the board return the same, with his objections, in writing, and no law so vetoed shall go into effect unless the same be again passed by a two-thirds majority of the board. No bill shall become a law unless the same shall have passed three separate readings by a majority vote, and until the same shall have been signed by the mayor, unless he fails to veto the same by the next regular meeting. The mayor may make temporary appointments to fill temporary vacancies, subject to the approval of the board at its next regular meeting. And he shall likewise have the power to make special deputies to increase temporarily the police force, and he shall call special meetings of the board, when in his judgment, and the good of the town requires it. He shall say to the board, in writing, the purpose of such meeting, which, together with the action of the board, shall be spread on the minutes in the regular minute book. He shall take care that all the ordinances are duly respected and observed, and perform such other duties as by ordinance of the board be required of him. He shall have power to bid in property for the town at all tax and judicial sales, when the town is a party.

Mayor's juris-
diction; fees.

Sec. 11. Be it further enacted, That the mayor shall try all offense created by this act, or any lawful ordinance of said town, and impose fines and penalties and enforce the collection and payments of the same and he shall likewise have the power to commit to the town prison, or calaboose, until trial, of all disorderly or riotous persons within the town, and commit the same to the town prison or workhouse until such fines and costs are paid or worked out. And in case

mayor is incompetent to try such offenders, or be sick or absent, then the recorder shall try such cases and perform all such duties of the mayor under this section, and shall be entitled to the same fees and cost as justices of the peace are entitled to for like services, which shall be taxed up with the bill of cost and fines.

Sec. 12. Be it further enacted, That the first general election for mayor, recorder, marshal, and aldermen under this act shall be held first Thursday in June in 1899, and shall be sworn in on Friday following the election, or as soon thereafter as practicable, and each general election shall be held biennially, to-wit: On the first Thursday in June thereafter. The voters shall vote by ballot at such general election, and any person entitled to vote for members of the general assembly under the laws of Tennessee, and who shall have been a natural bona fide resident of the town for six months next preceding the election, shall be entitled to vote and have his vote counted in said election. Nonresidents having an absolute and entire title to, and bona fide owner of real estate within the corporation limits of the town of Kenton, of the assessed value of at least fifty dollars, and who shall be otherwise a qualified voter for members of the general assembly of the State of Tennessee, shall be entitled to vote in all town elections.

Elections and
electors.

Sec. 13. Be it further enacted, That the mayor, recorder, marshal, and aldermen may receive such salaries or compensation as the board of mayor and aldermen from time to time shall determine, the same not to be increased or diminished during their term of office.

Pay.

Sec. 14. Be it further enacted, That when any tax shall be levied or imposed by said corporation upon any real estate lying within said town of Kenton, and the owner or owners thereof shall not pay the same, and the marshal of said town make returns of the fact under oath, that the owner or owners have no personal property within the said town upon which to distrain for said tax, it shall be the duty of the mayor, by and with the advice and consent of the board, to take such steps for the collection of said

taxes as are or may be provided for by the laws of the state, for the collection of the state taxes.

Sec. 15. Be it further enacted, That this act is declared to be a public law, and may be read in evidence in all courts of law and equity without special proof of same.

Sec. 16. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 21, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 22, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 364.

HOUSE BILL No. 927.

AN ACT to create a school district out of portions of Cheatham and Robertson counties and prescribe the rights of that part of Robertson county included in the same.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That that portion of Robertson and Cheatham counties included within the boundaries hereinafter mentioned, shall comprise a sub-district of the 14th school district of Cheatham.

Sec. 2. Be it further enacted, That said sub-district shall be composed of the portions of Cheatham and Robertson counties within the following boundaries, to wit: Beginning at the pinnacle ford on Nashville road and crossing Sycamore creek near residence of A. F. Billwell in Robertson county thence up said creek to the Hallums farm; the leaving said creek and running with T. M. Walk east boundary line to the farm of H. Dowlin; th-

Sec. 3. Be it further enacted, That all citizens within said sub-district shall have and hold their school privileges within the 14th district of Cheatham county, including the right to vote in school elections and hold school offices, but the directors of that portion of Robertson county cut off by this act, shall take the scholastic portion of said territory as heretofore done, and shall issue their warrants for the pro rata of said territory upon written orders or warrants of the directors of the district formed by this act.

Sec. 4. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 21, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 22, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 365.

HOUSE BILL No. 983.

AN ACT to amend the charter of the city of Chattanooga, and all the acts amendatory thereof.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the charter of the city of Chattanooga, and all acts amendatory thereof are hereby amended as follows:

That the act passed by the general assembly of the State of Tennessee at the extra session of 1890, entitled "An act to amend the charter of the city of Chattanooga, which act provides for a board of public works to take charge of the streets, etc., and the act passed at the regular session of the legislature of the State of Tennessee on March 16, 1897, relating to the same board, and the act passed at the regular session of the legislature of March 29, 1883, creating a [

commission, to be appointed by the governor, and the act passed April 7, 1899, and approved by the governor on the —— day of April, 1899, entitled 'An act to amend the charter of Chattanooga,' and all the acts amendatory thereof," be, and the same are hereby, amended as follows: That the mayor of said city of Chattanooga shall receive and be paid for his services as such mayor, by the mayor and aldermen of said city, the sum of one thousand dollars per annum, which amount shall be paid in monthly installments.

Sec. 2. Be it further enacted, That all acts and parts of acts in conflict with this act be, and the same are hereby, repealed; and that this act take effect from and after its passage, the public welfare requiring it.

Passed April 21, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 22, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 366.

HOUSE BILL No. 986.

AN ACT to change the line between White and Cumberland counties, so as to include the lands of H. C. Snodgrass, lying in White and Cumberland counties, in White county.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That all the lands of H. C. Snodgrass now lying in White and Cumberland counties are hereby detached from Cumberland county and attached to White county.

CHAPTER 368.

HOUSE BILL No. 839.

AN ACT to regulate the working and laying out of public roads in this state.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That at the January term of the county court, 1900, after the passage of this act, and at the January term every two years thereafter, the county court of each county in this state shall elect one road commissioner, who shall have general supervision over all the highways and bridges in his county. The person chosen shall be a citizen and freeholder of the county; shall be a person skilled and experienced in the business of road making, and shall hold office for two years, and until his successor is elected and qualified. Before entering upon his duties he shall take an oath before the clerk of the county court for the faithful discharge of same. For any willful neglect or misconduct he shall be guilty of a misdemeanor, and punishable accordingly. For incompetency or neglect of duty, shall be removed by said county court on ten days' written notice. As compensation he shall be entitled to receive two dollars per day for each day's service actually rendered, but shall not claim pay for more than sixty days' service in any year in counties having a population of less than twenty-five thousand, under the last federal census, nor more than eighty-five days in counties having a population of more than twenty-five and less than fifty thousand, under said census, nor more than one hundred and twenty days in any other county of the state.

Commissioner;
term; oath;
removal; pay.

Sec. 2. Be it further enacted, That at the terms above stated the county courts of each county in the state shall define the boundaries of all the highways and sections of highways in their respective counties; within which boundaries those subject to road duty shall labor for the ensuing year. The court at the

Boundaries;
day's labor.

same time shall fix the number of days labor to be required of the road hands, which shall be not less than four, nor more than eight days in any one year.

When to work;
commutation.

Labor upon the highways must be performed during the months of May, June, July, August and September, and not earlier or later in any year, except repairs in case of necessity. One subject to road duty may commute by paying to the contractor or commissioner, fifty cents per day on or before the time fixed for working the highway. Any road hand wilfully failing to work when notified, or to commute as above required, shall be guilty of a misdemeanor, and punishable accordingly.

Road tax;
trustee to collect;
judge to report.

Sec. 3. Be it further enacted, That the county courts of this state shall levy each year, for road purposes, an ad valorem tax on all property of their respective counties, outside of incorporated cities, towns and taxing districts. This levy shall be not less than five, nor more than forty cents on the hundred dollars; and shall be collected by the county trustee and held by him as a separate fund, to be disbursed upon the warrant of the judge or chairman of the county court, and for which he shall have compensation, the same as county and state. The judge or chairman shall make quarterly reports, showing the receipts and disbursements of the road fund, which report shall be examined by the finance commissioners of the county and, when approved, spread on the minutes of the county court.

Contract.

Sec. 4. Be it further enacted, That all highways in this state shall be worked hereafter by contract. Sealed proposals to keep the roads in repair shall be submitted from each section of highway in the county to the road commissioners on or before the first Monday in January, 1900, and every year thereafter, and said contract shall be good for one year.

Bond; bids
opened.

Each contractor shall give bond for the faithful discharge of his duty in such sum as the road commissioner and chairman of the county court may determine. The commissioner and chairman of the county court shall open all bids submitted and the contract shall be awarded to the lowest responsible bidder each case, provided his bid be not in excess of amount which, in the opinion of the commissioner

and chairman should be expended upon the road to be let.

If no satisfactory bid be received for any road or roads, the commissioner and chairman of the county court shall let such highways by private contract, making the best possible arrangement in each case. It shall be stipulated in every agreement for keeping the highways in repair, that the contractor shall have the benefit of the labor of the road hands assigned to his section, and that he shall be entitled to the commutation money of such as choose to commute. The position of road overseer in this state is hereby abolished, and the contractor on each section of highway is clothed with all the authority as to summoning road hands, requiring them to labor, etc., which was heretofore vested in road overseers. In case of the willful failure of any road hand to labor on the highway in good faith for the number of days fixed by the county court of his county, it shall be the duty of the contractor to report his case to the road commissioner, who shall have the delinquent apprehended and brought before a justice of the peace to answer to the charge of the contractor for dereliction of duty. It shall be a sufficient excuse for such road hand to show that he has either commuted as required by this act, or that he has worked upon the highway to the best of his physical ability. All male residents of a county between the ages of eighteen and fifty years shall be subject to road labor, except those who have been exempted by the county courts for physical disability, and if the resident be over twenty-one years of age, the order of court must show also that he was exempted from payment of poll tax for same cause. Any contractor wilfully failing to discharge his duty as to keeping the highways in repair shall be guilty of a misdemeanor, and punishable accordingly. More than one road or section of road may be let to the same contractor, if deemed advisable by the road commissioner and chairman of the county court.

Contractor to have benefit of hands.

Overseer abolished; delinquent hands.

Hands, who are.

Sec. 5. Be it further enacted, That in laying out and working highways it shall be the duty of the road commissioner to avoid heavy grades, and to reduce same by cutting down sharp points or changing direction of road where this can be done without too much

As to working highways.

The chairman shall name the members of the court to sit. If unappealed from, the action of the county court shall be final and binding in the premises. Any interested party may appeal as heretofore, provided such appeal be perfected before the clerk of the county court within ten days after the order complained of has been entered upon the minutes.

Sec. 7. Be it further enacted, That all county prisoners subject to labor shall be employed hereafter as far as practicable, upon the public highways. In counties having separate workhouses, or where the jails have been declared workhouses, the workhouse commissioners may let the convicts to contractors for road labor; in all other counties the judge or chairman of the county court may let them to contractors, who will employ them upon the highways. In either case the county authorities shall name the guards, and the prisoners shall be treated, at all times, with humanity. Eight hours shall be a day's work upon the highways, whether performed by convicts or free road hands. Nothing in this act shall affect the present law in regard to working county prisoners in counties having a population of 35,000 or over, by the last federal census, or any subsequent federal census.

Prisoners may be let to contractors; day's work.

Counties having 35,000 population.

Sec. 8. Be it further enacted, That highways of this state shall be divided as heretofore into four classes, the width of each to remain as now fixed by law. The road commissioner shall make to each quarterly term of the county court a detailed report of the work done during such quarter, and the nature and character of work done, and roads worked during such quarter, and at the end of each term shall make a detailed report to the county court, showing the work accomplished by him during his term. This report shall describe each public highway in the county, state whether it is a first, second, third or fourth class road, and its condition at the time of the report. This annual report of the road commissioner shall be read in full on the minutes of the court.

Classes; commissioners' reports.

Sec. 9. Be it further enacted, That nothing in this act shall be so construed as to affect the right of counties to construct, purchase and maintain bridges, turnpikes and improved highways, and pay for same from general county funds, as now provided by law.

Contractor to
furnish what.

Tools.

Act not appli-
cable where.

Sec. 10. Be it further enacted, That the road contractor shall furnish, at his own expense, all the tools, ammunition and material necessary to keep in repair or construct all roads in his district, including materials necessary for small bridges, which must be stated in the contract between the judge or chairman of the county court and the road contractor, as to any bridge or bridges that are not to be kept up by said contractor, and all bridges or ferries not included in the contracts with road contractors shall be built and maintained as now provided by law. All the tools belonging to the county at the time of the passage of this bill shall be collected at some public place in each civil district by the last road commissioner, and after giving ten days' notice, by printed or written posters, in at least four public places in his district, shall sell all the tools and material to the highest bidder for cash, which amount shall be used exclusively for the district in which such tools were sold; Provided, That the provisions of this act shall not apply in counties having a population of 110,000 or more, according to the federal census of 1890, or any subsequent federal census, nor shall be so construed as repealing any laws in force relative to such counties.

Sec. 11. Be it further enacted, That all laws and parts of laws in conflict with this act be, and the same are hereby, repealed; and that this act take effect from and after January 1, 1900, the public welfare requiring it.

Passed April 21, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 22, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 369.

HOUSE BILL No. 800.

AN ACT to bring about uniformity in the charters of turnpike companies of all turnpikes, and uniformity in the required width and grade of same, and to bring about a reduction of tolls to be charged on turnpikes chartered by an act of the general assembly.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That all turnpike companies in the State of Tennessee, chartered by the general assembly of the said state, may obtain all of the rights, powers and privileges conferred on turnpike companies in this state under chapter 142, section 7, of the Acts of 1875, and by section 2, chapter 101, passed by the general assembly of the State of Tennessee, March 26, 1877, and section 1 of chapter 188, of an act passed by the general assembly of the State of Tennessee, and approved March 28, 1891, and that said turnpike companies may have a roadbed fourteen feet wide, a grade not to exceed a greater angle than seven degrees with the horizon, and twelve feet shall be the greatest width which said companies shall be required to keep their road metaled or macadamized, and be exempted from all penalties imposed upon them by their original charters upon the conditions set out in section 2 of this act; Provided, That no turnpike company taking advantage of this act shall be relieved of any restrictions, limitations or obligations assumed by its original charter, except as to forfeiture of charter on account of grade and width of roadbed.

Rights, etc.
may be ob-
tained, how.

Sec. 2. Be it further enacted, That all turnpike companies, as provided in section 1 of this act, may have the benefits thereof, and the exemptions from penalties upon the following conditions:

Conditions.

Said turnpike companies shall agree in manner and form as hereinafter provided that they will not charge in passing through their gates of persons going

Agreement.

and returning from elections, nor from persons and vehicles going and returning from funerals, or religious worship, or from persons going to or returning from grist mill, on horseback, with grain for family use, and that the rate of toll collected from travel on such turnpike shall not exceed the amount set out and specified in chapter 142, section 7, of the acts of the general assembly of 1875, and chapter 160 of the acts of the general assembly of 1891; and that no toll shall be demanded from persons passing from one to another part of his farm, and that toll shall not be charged but for one way, if parties go and return the same day. In order to obtain the benefits and exemptions provided by this act, said turnpike companies shall, by a majority of the board of directors, sign the following agreement, and acknowledge the same before a clerk of the county court, or a notary public, to be the act and deed of said corporation for the purposes therein contained:

“We, the undersigned, composing a majority of the board of directors of (here insert name of the turnpike company), a corporation whose charter was granted by an act (or acts) of the general assembly of the State of Tennessee (here describe the acts), hereby agree for and on behalf of the said turnpike company, that said turnpike shall not charge toll on persons passing through its gates going and returning from elections, nor from persons and vehicles going and returning from funerals or religious worship, or from persons going to or returning from a grist mill on horseback with grain for family use, and that the rate of toll collected from travel on this turnpike shall not exceed the amount set out and specified in section 7, chapter 142 of the acts of the general assembly of 1875, and section 1 of chapter 160 of the acts of the general assembly of 1891, and that no toll shall be demanded from persons passing from one to another part of his farm, and that toll shall be charged but for one way, if parties go and return the same day.

Witness our hands this the — day of —
(Signed by a majority of the board of directors).

Registration
fees.

Said agreement, after being properly acknowledged as above provided, shall be registered in the

office of each county through or in which such turnpike is located, and also registered in the office of the secretary of state. The fees for each registration shall be one dollar and fifty cents, to be paid by the turnpike company; and when said agreement shall have been executed and registered as above provided, then all such turnpike companies as agree to and comply with the terms of this act as herein provided, shall not be subject to any penalties for not having their turnpike roads in the condition as required by their original charters, but penalties shall not attach and be enforced against such turnpike companies except for not having their turnpike in the condition as provided by this act. Relieved of certain penalties.

Sec. 3. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 21, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 22, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 370.

HOUSE BILL No. 869.

AN ACT to create two additional justices of the peace, and two additional constables for the third civil district of Scott county, Tennessee, and provide for the election of same.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the third civil district of Scott county, Tennessee, shall hereafter be entitled to two additional justices of the peace, and two additional constables; one justice and one constable for the town of Glen Mary, and one justice and one constable for the town of Robbins, who shall be elect-

ed by the qualified voters of said district, who reside in the old incorporated limits of each of said towns, and who shall reside and keep their offices in each of their said towns and shall have all the powers and privileges of other justices of the peace.

Sec. 2. Be it further enacted, That the first election shall be opened and held at each of the voting places of said towns, as required in all other elections, and the persons so elected shall hold their office until the next general election for such offices.

Sec. 3. Be it further enacted, That this act take effect thirty days after the adjournment of this general assembly, the public welfare requiring it.

Passed April 18, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 21, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 371.

HOUSE BILL No. 784.

AN ACT to amend sections 2731 and 2733 of Milliken & Vertrees' compilation of the statute laws of Tennessee, and to require assignees and trustees appointed by virtue of such laws to make settlement or cast their accounts with the clerk of the county court.

Trustee or assignee to account with clerk of county court.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That sections 2731 and 2733, of Milliken & Vertrees' code, be so amended as to require any trustee or assignee to whom property has been conveyed in trust for the benefit of creditors, under the provisions of said sections, to make settlement or cast their accounts with the clerk of the county court of the county in which the deed of trust

ed by the qualified voters of said district, who reside in the old incorporated limits of each of said towns, and who shall reside and keep their offices in each of their said towns and shall have all the powers and privileges of other justices of the peace.

Sec. 2. Be it further enacted, That the first election shall be opened and held at each of the voting places of said towns, as required in all other elections, and the persons so elected shall hold their office until the next general election for such offices.

Sec. 3. Be it further enacted, That this act take effect thirty days after the adjournment of this general assembly, the public welfare requiring it.

Passed April 18, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 21, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 371.

HOUSE BILL No. 784.

AN ACT to amend sections 2731 and 2733 of Milliken & Vertrees' compilation of the statute laws of Tennessee, and to require assignees and trustees appointed by virtue of such laws to make settlement or cast their accounts with the clerk of the county court.

Trustee or assignee to account with clerk of county court.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That sections 2731 and 2733, of Milliken & Vertrees' code, be so amended as to require any trustee or assignee to whom property has been conveyed in trust for the benefit of creditors, under the provisions of said sections, to make settlement or cast their accounts with the clerk of the county court of the county in which the deed of trust or

assignment was made, as soon after qualification as the nature of the deed or assignment will admit, showing what funds he has received, how he has disposed of the trust property, what expenses he has paid out, and what amount of the funds remain in his hands for payment to beneficiaries under the deed or assignment.

Sec. 2. Be it further enacted, That, should any such trustee or assignee fail or refuse to make settlement or cast his accounts, as required by the provisions of section 1 of this act, the clerk of said court shall be required, upon application of any one interested in the trust property, to issue citation to such trustee or assignee, requiring him to appear before said clerk on a given day and make settlement or cast his account as required by section 1 of this act, a copy of which citation shall be served by the sheriff or any constable of the county, at least five days before the day appointed in the citation for such settlement or casting of account.

Failure to so
account.

Sec. 3. Be it further enacted, That the clerk of said court, after the expiration of two years from the qualification of such trustee or assignee, shall have power, without application from any one interested in the trust property to compel such trustee or assignee to make settlement or cast his accounts, by citation, as prescribed in section 2 of this act.

Clerk may com-
pel accounting,
when.

Sec. 4. Be it further enacted, That any such trustee or assignee, who fails or refuses to settle or cast his accounts, as required by section 1 of this act, after such citation or notice, shall be guilty of a misdemeanor, and shall be liable to indictment or presentment in the same manner as administrators who fail or refuse to settle as required of them by law.

Misdemeanor.

Sec. 5. Be it further enacted, That in addition to the foregoing penalties for failure to settle or cast his accounts, the county court shall have power, and it shall be its duty, upon application, by petition, unless satisfactory reasons be shown why the same should not be done, revoke the appointment of such trustee and remove him, and appoint another, who shall be subject to the provisions of this act, but in all such proceedings to remove such trustee or assignee he shall

Removal of
trustee, when.

have reasonable notice, not less than ten days, of such application and an opportunity to defend same.

To what act
applies.

Sec. 6. Be it further enacted, That nothing in this act shall be so construed as to exempt trustees or assignees from qualifying, giving bond and returning inventories as now prescribed by law; nor shall this act be so construed as to make it apply to deeds or mortgages given purely as security for money loaned or advanced, but shall apply alone to conveyances made for the benefit of creditors.

Fees.

Sec. 7. Be it further enacted, That the clerk of said court, and the sheriff or constable, for the service performed by them under the provisions of this act, shall be entitled to and be allowed the same fees as are now allowed them by law for like services in other cases.

Sec. 8. Be it further enacted, That all laws and parts of laws in conflict with this act be, and the same are hereby, repealed.

Passed April 18, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives

SEID WADDELL,
Speaker of the Senate

Approved April 21, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 372.

HOUSE BILL No. 963.

AN ACT to amend an act entitled an act to reduce the acts incorporating the city of Knoxville, and the various amendments thereto to one act, and to amend the same, passed June 10, 1885, and being chapter 8 of the acts of the extraordinary session of 1885, also to amend chapter 323, section 20, of the Acts of 1897, said chapter 323 being an act to amend said act of January 10, 1885, and to create the offices of city attorney, city recorder, city engineer and city physician, and to fix the salaries for the same.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That section 30 of chapter 8 of the acts of the extraordinary session of 1885, said chapter being an act entitled "An act to reduce the acts incorporating the city of Knoxville and the various amendments thereto to one act, and to amend the same," passed June 10, 1885, which sections enacts that there shall be a board of public works in the city of Knoxville, consisting of three members, one of whom shall be chairman, and elected by the popular vote; the other two to be appointed by the mayor and confirmed by the board of aldermen by a two-thirds vote, and prescribing the term of office of the members of said board, the time of their election and the conditions upon which they shall be eligible, be, and the same is hereby, amended so that hereafter the said two associate members of said board of public works shall be elected by the qualified voters of said city, as Associate members elected: salary. is the mayor, and shall hold their offices for two years and until their successors are elected and qualified. The first election of said associate members by the qualified voters of said city shall take place at the regular municipal election to be held in January, 1900. Section 33 of the said act of June 10, 1885, is amended that the salary of each of said associate

members of the board of public works shall be the sum of \$400.00 per annum.

Mayor's and
chairman's sal-
aries.

Sec. 2. Be it further enacted, That section 20, chapter 323 of the Acts of 1897, be so amended that the salary of the mayor of the city of Knoxville shall be the sum of \$1,000.00 per annum, instead of \$1,400.00 as therein contained. The salary of the chairman of the board of public works of said city of Knoxville shall hereafter be \$1,500.00, instead of \$1,800.00, as therein provided.

Attorney.

Sec. 3. Be it further enacted, That the said act passed June 10, 1885, be so amended as to create the office of city attorney, who shall receive a salary of \$1,000.00 per annum, and shall perform the duties now incumbent, or that may hereafter be imposed upon the said city attorney of Knoxville. He shall serve for two years and until his successor is elected and qualified, and he shall be elected at the first meeting of the city council after the regular city election every two years.

Recorder.

Sec. 4. Be it further enacted, That said act passed June 10, 1885, be so amended as to create the office of city recorder, who shall perform the duties now incumbent upon that officer, or which may hereafter become incumbent upon him by law. He shall receive a salary of \$1,200.00 per annum, and shall be elected every two years at the first meeting of the said city council held after the regular city election every two years.

City physician.

Sec. 5. Be it further enacted, That the said act of June 10, 1885, be so amended as to create the office of city physician, who shall receive a salary of \$800 per annum, and shall hold his office for two years, and shall be elected by the city council at the first meeting held after the regular city election in January every two years.

City engineer.

Sec. 6. Be it further enacted, That said act of June 10, 1885, be so amended as to create the office of city engineer, who shall hold his office for a period of two years, and shall receive a salary of \$700.00 per annum, and shall be elected at the first meeting of the city council held after the regular city election in January every two years.

Sec. 7. Be it further enacted, That section 7

the act passed June 10, 1885, be so amended that hereafter the compensation allowed each alderman of the city of Knoxville shall be the sum of \$100.00 per annum.

Salary of alderman.

Sec. 8. Be it further enacted, That the salaries hereinbefore set out and payable to the several officers of the city of Knoxville, mentioned in this act as compensation for their said services shall be paid out of the city treasury of said corporation, in such manner as is now provided by law or ordinance of said city.

Salaries paid out of treasury.

Sec. 9. Be it further enacted, That the persons now holding the offices of mayor, chairman and associate members of the board of public works, city attorney, city recorder, city engineer and city physician shall receive the salaries fixed in this act.

Present incumbents' salaries.

Sec. 10. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it; and that all laws and parts of laws in conflict with this act be, and the same are hereby, repealed.

Passed April 20, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 21, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 373.

HOUSE BILL No. 972.

AN ACT to allow the Del Rio Pike Company to move its toll gate and toll house 200 yards from its present location in the direction of the town of Franklin.

Section 1. Be it enacted by the General Assembly the State of Tennessee, That the Del Rio Pike

Company, a corporation organized under the general laws of the State of Tennessee, be, and is hereby, authorized to move its toll gate and toll house from its present location on said pike, a distance of not exceeding 200 yards, in the direction of the town of Franklin; Provided, Nothing in this act shall be construed as affecting the law relating to the distance of toll gates from the corporation lines of towns and cities.

Sec. 2. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 20, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 21, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 374.

HOUSE BILL No. 161.

AN ACT to make the paling and wire fence one of the lawful fences of this state.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the paling and wire fence be, and the same is hereby, made one of the lawful fences of this state.

Provided, The same be built upon good sized, substantial posts, set firmly in the ground, not more than twelve feet apart; Provided further, There be firmly fastened upon these posts two sets double strand wire, one near the top, the other near the bottom, into which there is woven substantial sawed split palings, not less than three feet long, with or barbed wire one foot above the paling, or four f-

without the wire, and not more than three inches apart.

Sec. 2. Be it further enacted, That nothing in this act shall be construed as repealing any act providing for lawful fences in this state.

Sec. 3. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 21, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 22, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 375.

HOUSE BILL No. 389.

AN ACT authorizing the city of Clarksville to fix the number of voting precincts in said city for all elections.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That from and after the passage of this act the city of Clarksville, Tennessee, shall have authority, by its board of mayor and aldermen, to fix the number and designate the location of all voting precincts within the corporate limits of the said city; and the said city may at all times have the authority by ordinance to increase or lessen the number of such voting precincts whenever it may see per; Provided, Nothing in this act shall have the effect to change the manner of voting as prescribed by the general election laws for municipalities of such population, or the method of balloting.

Sec. 2. Be it further enacted, That at all municipal elections the polls shall be opened and the elections conducted only at such precincts as the board

of mayor and aldermen shall, by ordinance, designate.

Sec. 3. Be it further enacted, That all laws, or parts of laws in conflict with the provisions of this act be, and the same are hereby, repealed.

Sec. 4. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 20, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 21, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 376.

HOUSE BILL No. 701.

AN ACT to establish a criminal court in Maury county, Tennessee, and to define its powers and jurisdiction.

Established at
Columbia.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That a criminal court be, and is hereby, established at Columbia, in the county of Maury, and that the jurisdiction of said court shall be co-extensive with the limits of said county.

Jurisdiction.

Sec. 2. Be it further enacted, That the criminal court for Maury county has all the jurisdiction given to the circuit courts of the state in the trial of indictments and presentments, of all misdemeanors and offenses against the state up to and including the grade of petit larceny, within said county of Maury, to the exclusion of the circuit court for said county.

Transfer of
bills, etc.

Sec. 3. Be it further enacted, That the circuit court for said county of Maury shall transfer all bills of presentment and indictment, and all books and papers appertaining to said misdemeanors and

fenses in said circuit court to the criminal court for Maury county for trial and proceedings therein, and all the powers and jurisdiction that the said circuit court had in and over said indictments, presentments, books, papers and criminal proceedings within the grade of offenses above named are hereby vested in said criminal court for Maury county, and said transfer shall give the said criminal court full and complete jurisdiction of said criminal matters.

Sec. 4. Be it further enacted, . That the clerk of the circuit court for said county of Maury, shall be ^{Clerk.} the clerk of said criminal court, and shall perform the duties required by law of clerks in relation to said criminal business in the circuit courts of the state, receiving the same compensation as provided by law for circuit court clerks.

Sec. 5. Be it further enacted, That upon the adjournment of each circuit court of Maury county, ^{Grand jury; indictments, etc., transfer of; minute book.} the grand jury organized by said circuit court shall be the grand jury for the criminal court of Maury county, and shall hold monthly sessions, during the sitting of said criminal court, and shall hold their office until the convening of the succeeding circuit court; that during the sitting of the circuit court for Maury county all indictments and presentments for the grade of offenses above named shall be drawn by the state's attorney, as now provided by law, and said indictments and presentments shall be returned to the circuit court, but be immediately transferred by the clerk into the criminal court of Maury county; that the grand jury shall keep a separate minute book of the proceedings in reference to cases above named, which minute book shall be subject to the inspection of the attorney for the criminal court; that when the circuit court is not in session the same duties now devolving upon the state's attorney before the grand ^{Attorney.} jury within the grade of offenses above named shall devolve upon the attorney for the criminal court of Maury county, and who shall, in such cases, sign all indictments that would have required the signature of the state's attorney. and all such shall be as valid as if prepared or prepared and signed by said state's ^{Judge; power of grand jury.} attorney; that the judge of the criminal court shall have the same authority and jurisdiction over the

public welfare demands special terms of said criminal court may be held.

Sec. 12. Be it further enacted, That the judge of the county court of Maury county shall be the Judge. judge of, and hold the criminal court of Maury county, and shall receive no other compensation than is provided by law for said county judge.

Sec. 13. Be it further enacted, That the county attorney elected by the quarterly county court of Attorney. Maury county, shall be the attorney for the state in the criminal court, and shall attend said criminal court and prosecute all misdemeanors and offenses above provided, against the state in said county, and perform all other duties in reference to said cases as are now required by law of attorneys for the state in the circuit courts, and he shall have no further or other compensation for said services than that allowed by the quarterly county court.

Sec. 14. Be it further enacted, That the said county and criminal court may each always be kept open, if the interest of the state and said county requires it, and no conflict of powers or jurisdiction in this respect shall arise, and when said judge is sitting as county judge the clerk of the county court of said Maury county shall act as clerk of said county court, and when said judge is sitting as criminal judge, the clerk of the circuit court of said county shall act as criminal court clerk, nor shall there be any conflict between the circuit court of said county and the criminal court of Maury county as to the clerks of said courts, but both courts may be open at the same time, and the duties of the clerk in both courts may be attended to and performed by the said clerk and his deputies. No conflict between county and criminal courts; clerks.

Sec. 15. Be it further enacted, That the circuit court for the county of Maury shall, at its last regular term in November, 1899, take all recognizances and persons bound over to criminal court; process. and persons under indictment or presentments in said court within the provision of this act to appear before the said criminal court to answer said charges and offenses, and that all process issued by the authority of said circuit court pertaining to the offenses within the jurisdiction of said criminal court shall be made returnable to the criminal court for Maury county,

which court shall have exclusive jurisdiction over said cases to the exclusion of the circuit court.

Sec. 16. Be it further enacted, That all the duties that would devolve upon the judge of the criminal court under this act will be performed by the chairman of the county court of Maury county, until said criminal judge shall have been appointed or elected, and that the chairman shall receive no additional compensation for said services than is now allowed him by the quarterly court of Maury county.

Sec. 17. Be it further enacted, That where a person is tried in the circuit court in Maury county, for an offense of a higher grade than is provided for in this bill, that the circuit court is not, by this bill, deprived of the jurisdiction to impose a sentence and punishment in case of conviction, for grades of offenses covered by this act.

Appeals. Sec. 18. Be it further enacted, That all appeals from the criminal court herein provided shall be to the supreme court, the same as if the cases had been tried in the circuit court for Maury county.

Sec. 19. Be it further enacted, That all laws and parts of laws in conflict with this act be, and the same are hereby, repealed, in so far as they conflict with this act, but not further or otherwise.

Sec. 20. Be it further enacted, That this act take effect from and after the first Monday in November, 1899, the public welfare requiring it.

Passed April 13, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 19, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 377.

HOUSE BILL No. 227.

AN ACT to amend chapter 127 of an act passed May 7, 1895, and approved May 10, 1895, entitled "An act for the protection of fish in the State of Tennessee."

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That chapter 127 of an act passed May 7, 1895, and approved May 10, 1895, entitled "An act for the protection of fish in the State of Tennessee," be so amended as to allow the erection of fall fish traps in Knox county, Tennessee, on any sluice of any river in said county where said sluice is not used for navigation; Provided, That the party erecting said fish trap shall be the owner of both banks of said sluice.

Sec. 2. Be it further enacted, That the slats on said fish trap shall not be less than one and one-half inches apart.

Sec. 3. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 18, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 20, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 378.

HOUSE BILL No. 957.

AN ACT to provide for uniformity in the terms of office of commissioners of elections and commissioners of registration.

Section, 1. Be it enacted by the General Assembly of the State of Tennessee, That the terms of office of commissioners of registration shall correspond with the terms of office of commissioners of elections provided for in chapter 13, section 1, of the Acts of 1897, and for the purpose of securing such uniformity in said terms of office, the terms of office of all commissioners of registration shall be deemed to have expired, and the terms of office of commissioners of registration to be appointed by the governor under this act, and the terms of office of commissioners of elections provided for by law shall be computed from the first Monday in April, 1899.

Sec. 2. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 17, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 20, 1899.

BENTON McMILLIN,
Governor

CHAPTER 379.

HOUSE BILL No. 854.

AN ACT to amend chapter 127, Acts of 1895, relative to the protection of fish in Hancock county.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That chapter 127 of the Acts of 1895, being entitled "An act for the protection of fish in the State of Tennessee, be so amended as to exclude Hancock county from the provisions and operation of said act, except as to the killing of fish by poison, dynamite and other explosives, or in traps or baskets, except the slats be two inches apart, and they shall not kill or catch fish from the 15th of March until the first day of June each year.

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with this act be, and the same are hereby, repealed.

Sec. 3. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 18, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 20, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 380.

HOUSE BILL No. 401.

AN ACT to change the line between Bedford and Rutherford counties.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the county line between Bedford and Rutherford counties be changed as follows: About 1 1-2 miles west of the village of Midland, in Rutherford county, at a point in the Byles road, where the county line going east reaches the northwest corner of J. M. Williams' farm, let it be turned southeast and north around said Williams farm until it comes to where the line now leaves said farm, going east between the farms of A. H. McLain and B. N. Davis, both deceased; thence east with the line, and as it now runs till it reaches the northwest corner of that part of B. A. McLain's farm, which lies south of the dirt road running east from the Midland and Shelbyville dirt road to the Murfreesboro & Shelbyville turnpike; thence southeast and north around the above described part of B. A. McLain's farm to its northeast corner; thence with the meanderings of the ridge dividing the waters of Stone and Duck rivers as the line now runs, so as to include in Rutherford county all of J. M. Williams' farm, and that part of B. A. McLain's farm which now lies in Bedford county, and south of the road above mentioned.

Sec. 2. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 20, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 21, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 381.

HOUSE BILL No. 404.

AN ACT to amend chapter 106 of the Acts of 1897,
etc.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That chapter 106, Acts of 1897, be so amended as to strike out in the third line of section 1 the words "and maliciously."

Sec. 2. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 21, 1897.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 21, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 382.

HOUSE BILL No. 727.

AN ACT entitled "An Act to amend an act to amend subsection 35 of section 17 of chapter 114, Acts of 1883, an act entitled an act to provide for the creation and organization and defining the powers of municipal corporations, embracing territories of cities having a population of 36,000 and upward according to the federal census of 1880, or who may have that population according to any future federal census, whose charters have been abolished, so as to extend the power of "eminent domain"

therein conferred to the condemnation and taking of land by said corporation for the purpose of sewers, gas works, hay markets, market houses, fire engine houses, station houses, work houses, and city hall," so as to extend the power of "eminent domain" therein conferred to the condemnation and taking of land by said corporations for the purposes of public school buildings and yards or grounds.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That subsection 35 of section 17 of chapter 114 of the Acts of 1883, as amended by chapter 41 of the Acts of 1891, be so amended that subsection 35 of section 17 of said original act as amended shall read as follows: To take and appropriate grounds for widening streets or parts of streets thereof, or laying out of new streets, avenues, squares, promenades, or for building sewers, gas works, hay markets, market houses, fire engine houses, station houses, work houses, city hall, and for public school buildings and yards or grounds, when the public convenience requires it, under the provisions of section 1562 and sections 1661, 1662, 1663, and 1664, of Milliken and Vertrees compilation of the laws of Tennessee.

Sec. 2. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 20, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 21, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 383.

HOUSE BILL No. 207.

AN ACT to change the qualifications of jurors in
criminal cases.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That hereafter in the trial of any criminal case the fact that a person called as a juror has formed an opinion or impression, based upon newspaper statements, shall not disqualify him to serve as a juror in such case, if he shall, upon oath, swear that he believes he can fairly and impartially render a verdict therein, in accordance with the law and evidence, and the court shall be satisfied of the truth of such statement.

Sec. 2. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 21, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 22, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 384.

HOUSE BILL No. 894.

AN ACT to amend an act passed at the Fiftieth General Assembly of the State of Tennessee, on the 26th day of January, 1897, and approved February 2, 1897, entitled, "An Act to authorize district attorneys-general in districts or circuits in which there is a county having a population of fifty thousand or more under the federal census of 1890, or in which there may hereafter be a county having a population of fifty thousand or more under any subsequent census, to appoint an assistant and to provide for the compensation of such assistants," so as to increase the compensation of said assistant attorneys-general in circuits or districts where there may be a county having a population of one hundred and five thousand or more under the federal census of 1890, or in which there may hereafter be a county having a population of one hundred and five thousand or more, under any subsequent census.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That section 1 of an Act passed by the Fiftieth General Assembly of the State of Tennessee, on January 28, 1897, and approved February 2, 1897, entitled "An act to authorize district attorneys general in districts or circuits in which there is a county having a population of fifty thousand or more under the federal census of 1890, or in which there may hereafter be a county having a population of fifty thousand or more under any subsequent census, to appoint an assistant, and to provide for the compensation of such assistant," be so amended as to provide that in districts or circuits in which there is a county having a population of one hundred and five thousand or more, under the federal census of 1890, or in which there may hereafter be a county having a population of one hundred a

five thousand or more, under any subsequent census, the assistant attorneys-general shall receive as compensation eighteen hundred dollars per annum, of which sum twelve hundred dollars per annum shall be payable quarterly out of the state treasury, upon the warrant of the comptroller, and six hundred dollars per annum shall be paid by the respective counties having a population of one hundred and five thousand or over, by the federal census of 1890, or that may hereafter have a population of one hundred and five thousand or more, by any subsequent census, monthly, upon the warrant of the chairman of the county court of such county, and out of the county treasury.

Sec. 2. Be it further enacted, That all laws, and parts of laws in conflict with this act be, and the same are hereby, repealed, and that this act take effect from and after its passage, the public welfare requiring it.

Passed April 14, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 22, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 385.

HOUSE BILL No. 898.

AN ACT to change the line between the counties of Hamblen and Jefferson so as to include certain lands of W. C. Watkins in Hamblen county deeded to said Watkins by John Talbot, and so as to include certain lands of M. A. Roberts in Jefferson county.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the line between the counties of Hamblen and Jefferson be so changed as

to include certain lands of W. C. Watkins and conveyed to him by John Talbot, now lying in Jefferson county, in Hamblen county, being about forty-five acres, as shown by the following plat.

Sec. 2. Be it further enacted, That said line be so changed as to include in Jefferson county certain lands of M. A. Roberts now in the second district of Hamblen, containing about eighty acres, as shown by the following plat.

Sec. 3. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 21, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 22, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 386.

HOUSE BILL No. 998.

AN ACT to establish a school district in the county of Rhea.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That an additional school district be established in Rhea county with the following boundaries: Bounded on the north by the tenth civil district line, on the south by the land line between W. J. Sawyers and Mrs. Lentz, running with said line in an easterly direction to the line of the twenty-sixth school district; thence in an easterly direction to the line of the sixth civil district, so as to include William Jones and James Melton, also the ridge land belonging to Mrs. Roddy and the Johnson heirs in the new district; bounded on the west by the foot of the mountain, so as to include the farm of L. A. Tyler.

Sec. 2. Be it further enacted, That the school district created by the first section of this act be known as district number forty in said county, and to have all the emoluments, rights, privileges, and to be governed by the same laws and rules and officers that regulate and govern the other districts of the county, and that the county superintendent of public schools of said county shall appoint three directors in said district to serve until the next regular election, or until their successors are elected and qualified.

Sec. 3. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 21, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 22, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 387.

HOUSE BILL No. 863.

AN ACT for the protection of fish in Cocke county.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That it shall be unlawful for any person or persons to catch or kill or wound any fish in any of the streams or rivers in Cocke county by seine, trap, gun, gig, poison, dynamite, or in any way or by any contrivance or device whatever, except basket, rod, or line, or trot line; Provided, That the provisions of this section shall not apply to minnows exceeding four and one-half inches in length, which may be caught exclusively for bait by dip net to exceed six feet in length.

Sec. 2. Be it further enacted, That it shall be unlawful for any person, company, or corporation to build any dam or obstruction across any of the streams

in Cocke county, or any fish gate or trap for the purpose of corraling or catching fish.

Sec. 3. Be it further enacted, That any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and fined not less than five dollars nor more than twenty-five dollars, except that in case of wounding or destroying fish by means of poison or dynamite or any other explosive whatever, the person or persons found guilty of same shall be deemed guilty of a misdemeanor, and fined not less than twenty-five dollars nor more than fifty dollars, and imprisoned not less than three months nor more than six months in county jail.

Sec. 4. Be it further enacted, That all fines recovered under this act shall be paid into county treasury for the benefit of the common school fund.

Sec. 5. Be it further enacted, That all laws and parts of laws in conflict with this act be, and the same are hereby, repealed.

Sec. 6. Be it further enacted, That this act shall take effect from and after its passage, the public welfare requiring it.

Passed April 21, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 21, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 388.

HOUSE BILL No. 978.

AN ACT to incorporate the town of McKenzie, Carroll county, Tennessee, and define the rights, powers, etc., of said town.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the town of McKenzie, in Carroll county, and the inhabitants thereof, are hereby constituted a body politic and corporate, under the name and style of "The City of McKenzie," and shall have perpetual succession; that by this corporate name and style may sue and be sued, contract and be contracted with, grant, receive, purchase, and hold real, mixed, and personal property, or dispose of the same for benefit of said town, and may have and use an official seal. May acquire and dispose of property.

Sec. 2. Be it further enacted, That the corporate limits of the town of McKenzie, in Carroll county, are as follows: Beginning at a stake nine hundred yards due north of the crossing of the L. & N. and N., C. & St. L. Ry., thence due west nine hundred yards to a stake; thence due south eighteen hundred yards; thence due east eighteen hundred yards; thence due north eighteen hundred yards; thence due west nine hundred yards to the beginning. Boundaries.

Sec. 3. Be it further enacted, That the officers of the town of McKenzie to be elected by the qualified voters of said town shall be a mayor, a recorder, a marshal, and six aldermen; and a recorder, who by virtue of his office, shall exercise and perform, in addition to his duties as recorder, the functions and duties as alderman, shall constitute the board of mayor and aldermen of the town of McKenzie, each and all of whom shall be citizens and qualified voters of said town, and shall hold their offices for one year, and until their successors are elected and qualified, and said officers shall be elected on the last Saturday February of each year, except for the year 1899, Board, who to constitute; term.

Bond of marshal and recorder.

in which case an election shall be held Saturday the 12th day of May, 1899. Said officers shall hold until time specified herein for the regular annual election. The recorder and town marshal shall be required to give a good and solvent bond in double the amount of money coming into their hands before they can assume the duties of their offices of recorder and marshal.

Oath of office.

Sec. 4. Be it further enacted, That the mayor, recorder, and aldermen before entering upon their duties shall each take an oath before some justice of the peace or some other person authorized by law to administer oaths, that they will honestly and faithfully discharge the duties of the office without partiality, favor, or affection.

Quorum; mayor or pro tem.; vacancies.

Sec. 5. Be it further enacted, That the legislative power of the town of McKenzie shall be exercised by and vested in the board of mayor and aldermen of said town, over whose meeting the mayor shall serve as presiding officer, and cast the deciding vote when there is a tie; a majority of all the aldermen shall constitute a quorum for the transaction of business. In the event the mayor shall be temporarily absent, the board shall elect one of its number to preside over the deliberations of the body, in which event one more than a quorum shall be present. In the event of the death of the mayor, or should his office become vacant from any other cause, then the board shall proceed at the first regular meeting thereafter to elect one of their number as mayor to fill his unexpired term, and the board shall elect some other person to fill the vacancy thus occasioned for the unexpired term, and the board of mayor and aldermen of McKenzie shall have power to fill any and all vacancies occurring in the board, and in the offices of recorder and marshal of said town, on account of death, removal, resignation, or other causes.

Sec. 6. Be it further enacted, That no person shall be eligible to the office of mayor, recorder, marshal, alderman unless he be a resident within the corporate limits of said town of McKenzie, and a legally qualified voter in the elections of said town.

Sec. 7. Be it further enacted, That the board mayor and aldermen of McKenzie shall judge of

qualifications, elections, and returns of members of the board, and other officers, and shall prescribe rules for the determination of contested elections, from which any party aggrieved shall have the right to appeal to their circuit court, as in all other cases provided by law, and shall prescribe its own rules of proceedings, the punishment of its own members for malfeasance, misfeasance, drunkenness, or any other misconduct in office, and enforce the same; two-thirds of the remaining members of the board present and voting to concur may expel a member for any of the abovenamed offenses; a less number than a majority can adjourn from day to day, and may, by ordinance, compel the attendance of absent members by fines and penalties. The board of mayor and aldermen shall hold its regular meetings at such times as it may determine, not more than one regular stated meeting in each month.

Contested elections; expulsion of member; meetings.

Sec. 8. Be it further enacted, That the mayor and aldermen of McKenzie shall have the power, by ordinance, within the corporate limits of said town of McKenzie—

Powers.

1. To levy and collect taxes upon all property taxable by law for state purposes, being in the bounds of said corporation.

2. To levy and collect taxes upon all privileges and polls taxable by law of the state, which shall in no wise exceed the state tax.

3. To appropriate money and provide for the payment of debts and expenses of the town.

4. To make regulations to prevent the introduction and spread of contagious diseases into the town, and to make quarantine laws for this purpose and enforce the same.

5. To establish hospitals and regulations for the government of same.

6. To make regulations to secure the health of the inhabitants, and to prevent and remove nuisances.

7. To open, alter, abolish, widen, extend, establish, grade, or otherwise improve, cleanse, and keep in repair streets, alleys, sidewalks, and public squares.

8. To establish and keep in repair bridges, culverts, ditches, and gutters.

9. To provide for the erection of all buildings necessary for the use of the town of McKenzie.

10. To license, regulate, and tax auctioneers, grocers, and retailers, brokers, merchants, coffee houses, confectioneries, hawkers, peddlers, livery, feed and sale stables, and all privileges taxable by the state.

11. To license, tax, and regulate theatricals and other exhibitions, shows, and amusements.

12. To prohibit and suppress disorderly or bawdy houses or houses of ill fame.

13. To provide for prevention and extinguishment of fires; to organize and regulate fire companies; to establish fire limits; to regulate or prohibit the erection of wooden buildings in the fire limits thus established.

14. To establish a system of free schools and maintain them by taxation, when such taxation shall have been ratified by a two-thirds vote of those voting in such election.

15. To regulate the police of the town, to impose fines, forfeitures, and penalties for breach of any ordinance, and provide for the collection of the same.

16. To provide for the arrest and confinement, until trial, of all riotous or disorderly persons, within the assemblies of any street, house, or other place in said town by day or by night, to authorize the detention of all suspicious persons found violating any ordinance of the town.

17. To prevent and punish, by pecuniary penalties, all breaches of the peace, noise, disturbance, or disorderly persons within the assemblies, in any street, house, or other place in said town, by day or night.

18. To regulate and provide for the construction and repair of sidewalks and foot pavements, and if the owner or owners of any business lots shall fail to comply with the provisions of any ordinance requiring such owner or owners to build or repair, after due notice, the town authorities may build the same, if the board of mayor and aldermen so order, and pay therefor, and the amount so paid shall be a lien on said business lot or lots of land, and the improvements thereon which may be enforced by any court of com-

petent jurisdiction, under the proper proceedings brought in the name of the city of McKenzie.

19. To pass all ordinances not contrary to the constitution of and laws of the state, that may be necessary to carry out the fulfillment and meaning of this act, and to accomplish the object of this incorporation.

Sec. 9. Be it further enacted, That it shall be the duty of the mayor to carefully examine all bills and ordinances passed before affixing his signature, and should any such not meet his approval, he shall, at the next regular meeting of the board, return the same, with his objections, in writing, and no law so vetoed shall go into effect unless the same be again passed by a majority of the entire board. No bill or ordinance shall become a law unless the same shall have passed three several readings by a majority vote, and until the same shall have been signed by the mayor, or unless he fails to veto the same by the next regular meeting. The mayor may make temporary appointments to fill temporary vacancies, subject to the approval of the board at its next regular meeting, and he shall likewise have the power to make special deputation, to increase, temporarily, the police force, and he shall call special meetings of the board when, in his judgment, the good of his town requires it, and he shall state to the board, in writing, the purpose of such meeting, which, together with the action of the board, shall be spread on the minutes of the regular minute book. He shall take care that all ordinances are duly enforced and observed, and perform other duties such as may, by ordinance of the board, be required of him.

Passage of bills; veto.

Temporary appointments; special meetings.

Sec. 10. Be it further enacted, That the mayor shall try all offenses created by this act, or any lawful ordinance of said town, and impose fines and penalties and enforce the collection and payment of the same, and shall likewise have the power to commit to the town prison or calaboose, until trial, of all disorderly or riotous persons within the town, and commit the same to the town prison or workhouse until such fines and costs are paid or worked out or secured, and in case the mayor is incompetent to try such offenders, or be sick or absent, the recorder shall

Mayor's jurisdiction; recorder to act, when; fees.

try such cases and perform all the duties of the mayor under this section. And they shall be entitled to the same fees and costs as justices of the peace are entitled to for like services, which shall be taxed up with the bill of costs and fines.

Recorder.

Sec. 11. Be it further enacted, That it shall be the duty of the recorder to attend all meetings of the board of mayor and aldermen; he shall keep an accurate minute of all the proceedings of the board, and read the same at the next regular communication of the board for their approval, amendment, or rejection; he shall collect all taxes due the corporation, of whatever kind; he shall issue all privilege licenses, and keep a proper book account of the same, giving name of party to whom issued, and amount received for same. He shall have supervision over the town cemetery, Mount Olivet, and shall sell at the price fixed by the board of mayor and aldermen, all grave lots, and keep a faithful record of all such lots sold, according to the plot of said cemetery, in a well-bound book kept for this purpose, and he shall perform such other duties as, by ordinance, are required of him.

Marshal to exercise police authority.

Sec. 12. Be it further enacted, That it shall be the duty of the town marshal to acquaint himself thoroughly with the laws and ordinances of the town, and he shall rigidly enforce the same, for which purpose police authority is hereby given him, which he may exercise without warrant in hand. He shall perform such other duties as the board may, by ordinance, require of him.

Voters, who are.

Sec. 13. Be it further enacted, That all persons entitled to vote for members of the general assembly under the laws of Tennessee, and who shall have been an actual bona fide resident of the town for six months next preceding the election, and all nonresidents having an absolute and entire title to and a bona fide owner of real estate within the corporate limits of the town of McKenzie, of the assessed value of one hundred dollars, his deed having been recorded for six months next preceding the election, and who shall be otherwise qualified to vote for members of the general assembly of the State of Tennessee, shall be entitled to vote in all municipal elections.

Sec. 14. Be it further enacted, That when any

shall be levied or imposed by said corporation upon any real estate lying within said town of McKenzie, ^{Delinquent taxes, collection of.} and the owner or owners thereof shall not pay same, and the recorder of said town make return of that fact, that the owner or owners have no personal property within the said town upon which to levy and distrain for the said tax, it shall be the duty of the mayor, by and with the advice and consent of the board of aldermen, to take such steps for the collection of said taxes as are or may be provided by the laws of the state for the collection of state taxes.

Sec. 15. Be it further enacted, That this act is declared to be a public law, and may be read in evidence in all courts of law or equity without special proof of same. ^{Public law.}

Sec. 16. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 20, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 22, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 389.

HOUSE BILL No. 615.

AN ACT to incorporate the Evangelical Lutheran Holston Synod, and for other purposes.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the Evangelical Lutheran Holston Synod be, and the same is hereby, incorporated, and by that name may sue and be sued, plead and be impleaded, and may take and hold property, real, personal, and mixed; and all conveyances, gifts, legacies, and all other donations of every ^{Name; may hold property.}

kind and description to the said corporation shall be good and valid, although said corporation may not be correctly described, provided enough appears aided by extrinsic proof, written or parol, to show that said corporation is the intended grantee or donee, and shall have perpetual succession.

Officers.

Sec. 2. Be it further enacted, That the officers of said corporation shall consist of a president, vice president, secretary, and treasurer, who shall be elected by the synod, and hold their offices until their successors are elected, as provided by the constitution of said synod, and the officers now holding such positions shall be the officers of the corporation until the election of their successors, as above provided for.

Executive committee.

Sec. 3. Be it further enacted, That the affairs of said corporation may be managed by the said Evangelical Lutheran Holston Synod according to the constitution and laws, rules and regulations, of said body, or an executive committee that said body may elect or appoint, said committee consisting of three or more members, who shall be elected or appointed annually by said synod, and continue in office until their successors are appointed or elected and enter upon the duties of their office. Said committee shall organize by the election of a chairman and secretary, and keep a true and correct record of all its transactions.

Application of property, etc.

Sec. 4. Be it further enacted, That the property said corporation is authorized to take and hold shall be applied to such purposes as the grantor or donor may designate, but if no particular purpose is designated, then to such religious, charitable, literary, missionary, or other laudable purpose as said synod may designate, not inconsistent with this act of incorporation and the laws of the land, but in the event that the purpose designated by any grantor or donor cannot, for any cause, be carried into effect, then said synod may apply the subject-matter of such conveyance or gift to any of the general purposes of said synod, as above provided.

May hold property in trust.

Sec. 5. Be it further enacted, That the said corporation may hold property of any kind in trust for such religious, charitable, literary, missionary, other laudable purpose as the grantor or donor may designate, not inconsistent with the laws of the land.

Sec. 6. Be it further enacted, That the treasurer of said synod shall hold all the money and accounts of the synod, its deeds, mortgages, contracts, and evidences of claims and revenues. He shall, if required, give bond and security to the president of the synod for the faithful performance of his duties, in such an amount as the synod may determine. He shall receive all donations, legacies, and bequests made to synod, collect all dues and pay all appropriations and orders according to the will of the synod. He shall keep a separate account of the money designated for each special purpose, and annually render a full detailed and accurate report to synod of all receipts and disbursements pertaining to the several accounts in his hands, which report shall be duly audited.

Treasurer:
bond; duties.

Sec. 7. Be it further enacted, That a majority of the executive committee elected or appointed by the said synod shall constitute a quorum to do business. And said corporation may sell and convey by the usual modes of conveyance any property they may take or hold in furtherance of the objects and purposes above mentioned; or the same may be done through its executive committee. And said corporation and its executive committee shall possess and exercise all the rights and powers necessary and proper for effectually carrying out such objects and purposes.

Quorum; may
sell property.

Sec. 8. Be it further enacted, That said synod shall have and enjoy every right incident to incorporate bodies; may have, keep, and use a common seal, and may alter the same at will. If no seal, then the signature of the name of the corporation, by any duly authorized office shall be legal and binding.

Seal.

Sec. 9. Be it further enacted, That said synod may establish by-laws, and make such rules and regulations not inconsistent with the constitution of said synod, as may deem necessary for the management of its corporate affairs.

Sec. 10. Be it further enacted, That the said corporation may, at any time, voluntarily dissolve by a conveyance of its assets and property to any other corporation of like faith, acting under charter rights for the purposes, not of individual profit, first providing for corporate debts.

Dissolution.

against said county, and also for the further purpose of building pike roads in said county; Provided, That said proposition shall state fully and specifically the amount of bonds proposed to be issued, the purposes for which they are to be used, stating fully what debts of the county are to be paid thereby, and how much of the amount proposed to be issued shall be used for the payment of the debts against the county, and how much for the building of pike roads in the county, and said proposition shall be published for at least thirty (30) days before the day of election herein provided for, in some newspaper published in said county.

Sec. 2. Be it further enacted, That the county court of Roane county, at the time of submitting said proposition, shall call an election to be held at each voting precinct in the county, not less than forty days from the date of the proposition. Said election to be held under the provisions of a law regarding county elections, and said bonds shall not be issued under said proposition unless the majority of all the votes cast in said election shall be in favor thereof, the qualification of voters at said election to be the same as the qualifications of voters for members of the legislature. Those voters desiring to vote in favor of said subscription shall have written or printed on their ballots, "For bonds," and those opposed to said subscription shall have written or printed on their ballots, "Against bonds." The returns of said election shall be certified as required by law for the certification of county elections, and the result determined in the same way. A failure to carry any election for bonds, hereunder, shall not prevent the submission of another proposition under this act.

Sec. 3. Be it further enacted, That if said proposition for the issuance of bonds should carry under the provisions of this act, then it shall be the duty of said county court to have series of bonds prepared under the provisions of said proposition, and which shall be denominations ranging from one hundred (100) to one thousand (1,000) dollars, and to each bond there shall be attached twenty (20) interest coupons, representing the annual interest on said bonds; Provided, That said bonds shall be due and payable twenty (20) years after their date, and shall not draw a greater

Provisions as to election.

Denomination; coupons.

Signature;
sale,

Pike commis-
sioners; oath;
bond; pay.

rate of interest than five per cent. per annum. Said bonds and interest shall be payable in lawful money of the United States. Said bonds shall be signed by the chairman of said county court, and countersigned by the clerk of the said court, and shall have on them the official seal of said clerk. Said coupons attached to each bond shall also be signed by the chairman and clerk, but need not have the clerk's seal thereon. The county court, at the time of issuing said bonds, shall also arrange for the sale of the same, but said bonds shall not be sold for less than par, and after said bonds shall have been sold, the county court shall take all proper steps to apply the proceeds of said bonds under the provisions of said proposition; Provided, That if any part of said money should, under the proposition, be used for the purpose of constructing pike roads, it shall then be the duty of the county chairman to appoint five freeholders, residents of said county, to be known as pike commissioners, and whose duty it shall be to expend said money in the building of county pikes in such way and at such places as they may deem best to the interest of the people of the county, and who shall hold their office for two years, or until the money raised on said bonds shall be expended. Said pike commissioners shall, each, before entering upon the duties of his office, take and subscribe an oath before the chairman of the court, to faithfully and impartially execute the duties of said trust, and shall also give a bond for the faithful and honest performance of his duty, and to properly account for all funds coming into his hands, as such commissioner, in the penalty of five thousand (5,000) dollars, and shall receive such compensation as may be allowed by the county court.

Interest and
sinking fund
tax.

Sec. 4. Be it further enacted, That the quarterly county court of said county is authorized, empowered, and directed, in the event any bonds are issued under the provisions of this act, to annually levy a sinking fund tax sufficient in amount to pay the annual installment of interest on said bonds as the same shall fall due, and within a convenient time before said bonds shall fall due, said court shall levy a sinking fund tax for the purpose of accumulating a fund with which to pay the principal thereof.

Sec. 5. Be it further enacted, That said sinking fund tax, either for interest or principal, shall be collected in the same way that other county taxes are collected, and that the trustee or tax collector shall enter into bond at the time of making his other official bond, which shall be properly conditioned for the performance of his duties in the collection and disbursement of this tax, and shall be in the penalty, approximately, of double the amount of the levy for such purpose. And for collecting and disbursing said tax levies, he shall receive such compensation as he now receives for similar services. Out of the proceeds of said tax the county trustee or tax collector shall pay the coupons on said bonds and the principal on said bonds as they severally fall due, and shall take the same up and cancel them in ink, showing the date when paid, and to whom paid, and when done. The same shall be a proper voucher, and will be allowed him in his settlement with the chairman. He shall be required to settle annually with the county chairman in regard to the tax collected under this act.

Collection of sinking fund tax; bond; redemption of bonds.

Sec. 6. Be it further enacted, That the chairman of said county court shall keep a well-bound book, in which he shall keep a record of said bonds and coupons, showing the amount, when due, and number of each bond and coupon herein authorized to be issued, to which the trustee, and all interested persons, shall have access at all reasonable times. Not more than one bond shall be placed on one page of said book, and sufficient space shall be left in said book to note all payments made on account of coupons or principal on said bond, and all coupons on said bond as paid, as well as the principal when paid, shall be securely pasted in said book at the place in said book where the record of said bond shall be kept.

Bond book.

Sec. 7. Be it further enacted, That the said bonds shall be made payable to the bearer; Provided, however, That the holder of any bond issued hereunder shall have the right to register the same with the county chairman by having the record of said bond in the book of the county chairman show the name of said owner, and the date of such registration, and if said bond shall have thus been registered, the chairman of the county court shall note this fact on

Bonds may be registered.

the back of said bond, as well as on the back of each coupon, and said bond as well as the coupons thereon, shall not thereafter be paid except upon the indorsement or order of the party having said bond registered.

Sec. 8. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 19, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 21, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 391.

HOUSE BILL No. 697.

AN ACT to amend chapter 10 of the acts of the extraordinary session of the forty-seventh general assembly of the State of Tennessee, passed September 14, 1891, and approved September 16, 1891, entitled "An act to apportion the several counties of this state into senatorial and representative districts, under the enumeration made under the act approved January 22, 1891, in pursuance of article 2, section 4, of the constitution."

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That section 1, chapter 10, of the acts of the extra session of the forty-seventh general assembly, passed September 14, 1891, and approved September 16, 1891, be so amended as strike out the name of Rhea county from the list counties entitled to elect one representative to general assembly.

Sec. 2. Be it further enacted, That section 5 of act be so amended as to detach Meigs county from

sixth joint representative district, and that the twenty-first joint representative district be created, to be composed of the counties of Rhea and Meigs, which said district shall be entitled to elect one representative in the general assembly of the State of Tennessee.

Sec. 3. Be it further enacted, That section 6 of said act be so amended as to detach Meigs county from the sixth senatorial district and attach it to the ninth senatorial district.

Sec. 4. Be it further enacted, That the counties of Hamilton and James comprise the sixth floterial district, and be entitled to elect one representative to the general assembly.

Sec. 5. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 20, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 21, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 392.

HOUSE BILL No. 287.

AN ACT to provide for and regulate the public printing of the state, and define punishment for violation of the same.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the governor, secretary of state, treasurer, comptroller, adjutant general, railroad commissioners, commissioner of agriculture, superintendent of public instruction, commissioner of labor, librarian, penitentiary commissioners, superintendents of insane asylums, superintendent of blind school, superintendent of soldiers' home, superintend-

Officers to let
out printing
over \$25.

ents of deaf and dumb asylums, and heads of all other state institutions, state boards, or state commissions shall severally solicit bids in at least four cities of this state where there is a printing and bookbinding establishment capable of doing the work, for all blank books, printing, and stationery that may be needed in their respective offices and institutions for all amounts over the sum of twenty-five (\$25) dollars, and the work shall not be designedly divided so as to fall below the (\$25) twenty-five dollar limit, and the contract for said blank books, printing, and stationery shall be let to the lowest responsible bidder.

Three bids to be received.

Sec. 2. Be it further enacted, That no bid shall be considered unless as many as three (3) responsible bids are received on each job of work, and all bids must be filed for future reference.

Printing for general assembly, how let.

Sec. 3. Be it further enacted, That the printing of bills in bill form for the two houses of the legislature, and other matter as may be ordered by the two houses, or either of them, to be printed in that form, and of reports and communications and other documents ordered by the legislature, or either branch thereof, shall be let by the chief clerk of their respective houses; Provided, however, That said clerks shall solicit bids from at least three (3) responsible houses or publishers for bills and pamphlets and other documents ordered by the legislature for the entire session of the legislature, and that the contract shall be let to the lowest responsible bidder; Provided, No contract shall be entered into with any printer without providing that in printing bills for the general assembly only a margin of one inch shall be left blank on the left and right side of each bill, and that the lines printed shall not be more than one-fifth of an inch apart.

Sec. 4. Be it further enacted, That the violation of the provisions of this act by any officer of the state shall constitute a misdemeanor in office.

Sec. 5. Be it further enacted, That the following number of copies be printed:

Number copies.

That the acts of the legislature five thousand copies shall be printed, an additional one thousand copies the commissioners of public printing deem it proper of the journals of the two houses, five hundred copies

shall be printed, and an additional one hundred copies if necessary for distribution.

Treasurer's report.—Two hundred for the house, one hundred for the senate, five hundred for the use of the state treasurer; Provided, That nothing herein shall interfere with the publication of the reports of the insurance commissioner as provided and authorized in the insurance acts of 1895.

Comptroller's report.—Two hundred for the house, one hundred for the senate, seven hundred for the use of the state comptroller.

Secretary of state's report.—Two hundred for the house, one hundred for the senate, two hundred for the use of the secretary of state.

Penitentiary report.—One hundred and fifty for the house, fifty for the senate, three hundred for the use of the penitentiary commission.

East Tennessee Asylum for Insane report.—One hundred and fifty for the house, fifty for the senate, three hundred for the use of officials.

Middle Tennessee Asylum for Insane report.—One hundred and fifty for the house, fifty for the senate, three hundred for the use of the officials.

West Tennessee Asylum for Insane report.—One hundred and fifty for the house, fifty for the senate, three hundred for the use of the officials.

Commissioner of agricultural and emigration report.—Three hundred for the use of the house, one hundred for the senate, twenty-one hundred for the use of the commissioner.

Report of the Institute for Deaf and Dumb.—One hundred and fifty for the house, fifty for the senate, six hundred for use of the institute.

Report of the Superintendancy for School for the Blind.—One hundred and fifty for the house, fifty for the senate, three hundred for use of the school.

Report of superintendent of public instruction.—One hundred and fifty for the house, fifty for the senate, one thousand for use of the superintendent.

Reports of board of health.—One hundred and fifty for the house, fifty for the senate, six hundred for the use of the superintendent.

Report of Soldier's Home.—One hundred and

fifty for the house, fifty for the senate, three hundred for the use of the home.

Adjutant general's report.—One hundred and fifty for the house, fifty for the senate, three hundred for the use of the adjutant general.

Industrial School report.—One hundred and fifty for the house, fifty for the senate, eight hundred for use of the school.

Commissioner of labor's report.—One hundred and fifty for the house, fifty for the senate, three hundred for the use of the commissioner.

Report of trustees of University of Tennessee.—One hundred and fifty for the house, fifty for the senate, eight hundred for the use of the university.

Railroad commission's report.—Two hundred for the house, one hundred for the senate, two hundred for the use of the railroad commission.

Appendices. Sec. 6. Be it further enacted, That the reports above enumerated, together with the governor's message and such other matter as either house of the general assembly may direct, shall constitute the appendices to the journals of the senate and the house of representatives of the fifty-first general assembly.

Sec. 7. Be it further enacted, That this act take effect from and after August 1, 1899, and that all laws and parts of laws in conflict with this act are hereby repealed.

Passed April 18, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 21, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 393.

HOUSE BILL No. 579.

AN ACT to amend the charter of the Gallatin, Murfreesboro, Florence and Sheffield Railroad Company, granted under the general laws of the state, and ratified and confirmed and amended by chapter 219, Acts of 1887, to change its name and termini.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That section 2 of chapter 219, Acts of 1887, be, and the same is hereby, amended so that the corporate name of the Gallatin, Murfreesboro, Florence and Sheffield Railway Company be, and is hereby, changed to the name and style of the Tennessee Eastern and Western Railway Company.

Sec. 2. Be it further enacted, That the line and termini of said railway be, and is hereby, changed from Gallatin to Knoxville, in the county of Knox, and from Pulaski and a point on the Alabama line in the county of Lawrence opposite Florence and Sheffield to Memphis, in the county of Shelby.

Sec. 3. Be it further enacted, That all laws in conflict with this act be, and the same are hereby, repealed.

Sec. 4. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 20, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 21, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 394.

HOUSE BILL No. 664.

AN ACT regulating the practice of osteopathy in Tennessee.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That any person having a diploma regularly issued by the American School of Osteopathy, at Kirksville, Missouri, or any other legally chartered and regularly conducted school of osteopathy, who shall have been in personal attendance as a student in such school for at least four terms of not less than five months each, before graduation, shall be authorized to treat diseases of the human body according to such system, after having filed such diploma for record with the clerk of the county court of the county in which such person resides, and having filed with such clerk an affidavit that the diploma is genuine, and that he or she is the person to whom the same was issued, and that all the provisions of this act were complied with before the issuance of such diploma, whereupon the clerk shall record such diploma in a book to be provided by him for that purpose, and shall indorse upon such diploma the date of filing same, for which he shall receive from such person a fee of one dollar.

Sec. 2. Be it further enacted, That any person who shall practice, or pretend or attempt to practice or use the system, method or science of osteopathy in treating the diseases of the human body without having complied with the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, be fined in a sum not exceeding one hundred dollars for each offense; Provided, Nothing in this act shall be construed as prohibiting any legally authorized practitioner of medicine and surgery in this state from curing and relieving disease without drugs, or by any manipulation by which disease may be cured or alleviated.

Sec. 3. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 14, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 21, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 395.

HOUSE BILL No. 182.

AN ACT to impose certain duties upon the comptroller of the treasury in relation to the semiannual apportionment and distribution of the public school fund.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That it shall be the duty of the comptroller of the treasury to certify to the chairman or county judge of each county in the state the date of issuance and amount of each warrant transmitted to the county trustee of such county in the semiannual disbursement of the public school fund.

Sec. 2. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 20, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 21, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 396.

HOUSE BILL No. 806.

AN ACT to amend an act passed May 7th, being chapter 127 of the Acts of 1895.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That it shall be lawful to take fish from the running waters of Johnson county by means of snare, hook, and hands.

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with this act are hereby repealed.

Sec. 3. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 17, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 19, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 397.

HOUSE BILL No. 1006.

AN ACT to enlarge the corporate bounds of the municipal corporation known as the mayor and city council of Nashville.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the boundaries of the municipal corporation known as the mayor and city council of Nashville be enlarged as follows: Beginning at the corporation line at the intersection

Church street and Boyd avenue, and running thence with the southerly margin of Church street, southwardly to the intersection of Church street and Vanderbilt avenue; thence with the eastern margin of Vanderbilt avenue to its intersection with the northern margin of Hayes street, and thence with said margin eastwardly to the corporation line.

Sec. 2. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 21, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 22, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 398.

HOUSE BILL No. 933.

AN ACT to confirm the transfer and title of the real estate of the Tullahoma high school and commercial institute.

Whereas, James G. Aydelott is the owner by purchase of the various interests, and has paid all the liabilities of the Tullahoma high school and commercial institute, and the officers thereof have turned over to him all the property, papers, title, deeds, etc., and have certified that he (Aydelott) is entitled to have vested in him the title to the real estate thereof, to wit: Lot 3, section 52, original town plan of Tullahoma; therefore,

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the title of the Tullahoma high school and commercial institute in and to Lot No. 3, section 52, original plan of the town of Tullahoma, Tennessee, pass to, and the same is confirmed

and vested in, James G. Aydelott, his heirs and assigns.

Sec. 2. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 17, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 19, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 399.

HOUSE BILL No. 907.

AN ACT to prevent railroads now under construction or hereafter built in this state from monopolizing rights of way or locations through narrow passes and other places to the exclusion of other and competing railroads, and to authorize condemnation proceedings when necessary to prevent such monopoly.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That no railroad company, whose railroad may hereafter be built in this state, shall have the right to hold, to the exclusion of other railroads to be hereafter built by purchase or condemnation for its right of way, a wider strip of land than shall be necessary for its reasonable use in the transaction of its business; and any land owned, or right of way held, or hereafter acquired, by any such railroad company, which a jury of inquiry in condemnation proceedings shall find necessary for such reasonable use and business of the company may be condemned for the use of other railroads now under construction or hereafter to be built, in like manner as other private property. And no railroad company shall¹

the right, by surveying or locating its line of railroad, to defer building same to the exclusion of other companies that may sooner and more certainly build upon such line of route, but the company which, in good faith, first actually constructs its road over such route, shall have preference in the location thereof; Provided, That if in determining any controversy over same, it shall appear to the court that the second company, in good faith, intends to and probably will construct its road, the first line constructed shall be located, if practicable, so as not to make it unreasonably expensive to construct the other one.

Sec. 2. Be it further enacted, That in case any railroad company has acquired or owns a right of way over which its road is not already built, through or along any narrow pass, cliff, or gorge, where it may be unreasonably expensive or impracticable to put down more than one track or line of railroad, any other railroad company, in good faith, desiring to build its line of road through or along the same narrow pass, cliff, or gorge, shall have the right to condemn a joint use of the right of way through or along the same, and, if after any railroad hereafter to be constructed through or along the same shall already have been constructed, any other railroad so desiring to build through or along such narrow pass, gorge, or cliff shall have the right to condemn a joint use of so much of the track as may be necessary, in like manner as railroads have the right to cross each other; Provided, That reasonable compensation shall be paid to the railroad company owning such right of way, or to the one whose right of way, or right of way and track, may be so condemned for such joint use with the other road, for its property and improvements and injury to its business, if any, which compensation, together with such reasonable restrictions as the jury of inquiry may prescribe at the expense of the second road for safely using such joint track, shall be fixed by said jury as in other cases of assessment of damages in the condemnation of private property; Provided further, That nothing herein contained shall be construed to affect any rights railroad companies whose roads are already constructed and being operated, may have in respects to rights of way over

which railroads are already being operated, it being the intention of this act not to, in any manner, add to or take from such rights as they may have therein, but to mutually apply only to roads or extensions or branch roads hereafter to be built; And provided furthermore, That nothing herein contained shall be construed to allow any railroads to consolidate, or escape payment of taxes on such new lines as may be constructed, or such extensions as may be made hereunder.

Sec. 3. Be it further enacted, That all laws or parts of laws in conflict herewith are hereby repealed.

Sec. 4. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 14, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 19, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 400.

HOUSE BILL No. 709.

AN ACT to amend "An act to compile the several acts incorporating the town of Shelbyville, and the several acts amendatory thereto, into one act, and to amend the same, and to repeal all acts in conflict with this act," passed March 25, 1897, and approved April 29, 1897.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That section 13 of said act be, and the same is to read as follows, and not otherwise: The office of treasure is abolished, to take effect as hereinafter provided. The duties of treasurer will be performed by the secretary un

Secretary.

otherwise specified herein. The secretary shall be elected for a period of two years by the qualified voters of said town, at the election of mayor and aldermen, and shall receive a salary of \$500 per annum, and shall receive no other sum under any pretext whatever, and a violation of this provision is declared to be a misdemeanor. The first election shall be held the last Thursday in May, 1899, and biennially thereafter. The duties of secretary and treasurer will be discharged under the present charter until the election and qualification of the new officer herein provided for.

Sec. 2. Be it further enacted, That section 15 of said act shall read as follows, and not otherwise: ^{Secretary's} ~~oath and bond.~~ That the secretary, when elected, and before entering upon the discharge of his duties, shall take an oath to faithfully perform the duties of his office, and shall enter into bond in the sum of ten thousand dollars, payable to the State of Tennessee, for the use of the town of Shelbyville, conditioned that he will faithfully and diligently discharge all the duties of this office, and account for and pay over all the money and other property which may come to his hands, according to the provisions of the charter of the town of Shelbyville, and such ordinances as may, from time to time, be enacted by the board. Said bonds shall be signed by two or more solvent sureties, and spread on the minutes of the board of mayor and aldermen, or made by a good and reliable trust company. A failure to execute and present to the mayor such bond within ten days after election, shall vacate said office, unless the board of mayor and aldermen shall extend the time for ten days longer.

Sec. 3. Be it further enacted, That the word, "secretary," occurring in the third line, section 16 of said act, be, and the same is stricken out and the word, "mayor," inserted therein, and the word, "treasurer," appearing in the twelfth line of section 16 of said charter, be, and the same is stricken out, and the word, "secretary," inserted.

Sec. 4. Be it further enacted, That section 17 of said act be, and the same is, amended to read as follows, and not otherwise: That the secretary shall ^{Secretary's} ~~duties.~~

keep the minutes of the meetings of the mayor and aldermen; shall have charge of all repairs, improvements, changes, and alterations of all the bridges, culverts, sewers, sidewalks, alleys, streets, and public passages of the town, and closing of those now existing, opening, and laying out of new ones, all subject to such appropriations and ordinances as may be made and passed by the mayor and aldermen not inconsistent with this charter; shall have charge of all matters pertaining to lighting the town, furnishing water and fire protection. He shall make monthly reports to the mayor and aldermen at regular meetings, showing amount of all moneys received, from what source or department received. He shall issue and sign, officially, all payable warrants directed to issue by the mayor and aldermen, duplicates of which warrants shall be kept in a well-bound book, and not detached.

Sec. 5. Be it further enacted, That section 18 of said act be, and the same is, amended as follows: The word, "treasurer," occurring in the said section, shall be, and the same is, stricken out, and the word, "secretary," inserted in its place wherever occurring in said section. That the words: "On such valuation as he may deem reasonable, without regard to state and county valuation, and if the taxpayer is dissatisfied with such assessed value, he may appeal to the board of mayor and aldermen for relief within thirty days after assessment is made," be, and the same are stricken out.

Sec. 6. Be it further enacted, That section 19 of said act be, and the same is, amended by striking out the word, "treasurer," and inserting the word, "secretary," in its place.

Sec. 7. Be it further enacted, That section 25 of said act is repealed.

Sec. 8. Be it further enacted, That section 28 of said act be, and the same is, amended by striking out the word, "treasurer," wherever appearing in said section, and inserting "secretary" in its place.

Sec. 9. Be it further enacted, That sec. 9 of said act be amended to read as follows, and not otherwise: That it shall be the duty of the mayor to carefully examine all bills passed before affixing his signature, should any such not meet his approval, he shall

the next regular meeting of the board after the passage of such bill, or next succeeding regular meeting, as hereinafter provided, return the same with his objections, in writing, and no laws so vetoed shall go into effect unless the same be again passed by a majority of the entire board. No bill shall become a law unless the same shall have passed three separate readings, on three separate days, by a majority vote, and until the same shall have been signed by the mayor, or unless he failed to veto the same by the next regular or succeeding regular meeting, as hereinafter provided. The mayor may make temporary appointments to fill vacancies occasioned by sickness, absence, or disability of any city officer; and appointment of special police. Likewise, he may make temporary suspensions of officers, except secretary, for misconduct or inefficiency, but he shall report the same, both temporary appointments and suspensions, to the next regular meeting of the board, by whom final action shall be taken. He may call special meetings of the board of mayor and aldermen when, in his judgment, the good of the town requires it. And he shall state to them, in writing, the purpose of such meeting, which, together with the action of the board, shall be spread on the minutes of the meeting in the regular minute book, and signed by him. He shall sign all license and payable warrants. Any neglect or violation of any provisions of this section is hereby declared a misdemeanor, subject to indictment in the circuit court, and, upon conviction, the offender shall be punished by a fine of not more than fifty dollars, and shall be paid, when collected, into the city treasury. When any act shall have passed its third and final reading, the secretary shall deliver in person, or mail, the original act, or a copy thereof, to the mayor of Shelbyville, Tennessee, at last five days before the next regular meeting of the board, if so long a time exist before said meeting, but if not, then the mayor may hold said bill until the second succeeding regular meeting after the passage of said act. That a court is hereby established to be known as the city court, which shall be presided over by the mayor, who shall issue warrants in the name of the town of Shelbyville, for the arrest of all offenders for offenses

Temporary appointments; suspensions; special meetings.

Copy of act to mayor.

City court; fines and fees turned into the treasury.

Mayor collect
cost and fines;
workhouse.

created by this act, or any lawful ordinances of said town, and he shall try the same, and impose fine and penalty and enforce the collection and payment of the same, or committal to the workhouse, all as provided in this charter. The officers trying such causes, and all other officers and employes of said corporation, shall not take or appropriate any fee or cost for their duties or services, but the same shall be taxed up with the bill of cost and fine, and when collected, paid over to the secretary, as other moneys of the town, subject to be appropriated for town purposes. All other fees provided in this charter shall be collected and paid into city treasury, subject to appropriation for town purposes. That the mayor shall hold and preside over the court, adjudicating the guilt or innocence of parties tried before him, charged with violating corporate ordinances; shall issue and sign officially all warrants for the arrest of persons charged with violating corporate laws; shall issue subpoenas for witnesses for either or both parties; shall open said court daily, Sundays excepted, unless there are no cases to be tried, at some stated hour to be fixed by him; shall have charge of the cemeteries, sale of lots therein, execution of conveyances to lots sold, prices being fixed by ordinance, and direct the sexton in his duties. In event the mayor is sick or incompetent or absent, causes returned for trial shall be tried by one of the aldermen to be designated by the mayor. The mayor shall collect all fines and costs adjudged, unless secured by parties being solvent, to be paid in not exceeding sixty days, and if not paid at maturity, may issue execution against the defendant and security, which shall have all the virtue of an execution at law. Fines and costs not paid and not secured shall be worked out, and the mayor shall commit parties to the workhouse, to be worked out at seventy-five cents per day; Provided, That parties committed to the workhouse may be, at the discretion of the mayor, permitted to make bond, with good and solvent security, for appearance, to work out fine and cost adjudged within thirty days. For taking such bond a fee of fifty cents shall be taxed against the principal. In the event the surety or sureties on bonds provided in this section prove insolvent, w

shall be ascertained by issuance of an execution and return of nulla bona thereon, the principal in such bond shall be liable to arrest and committed to work-house as in the first instance, to work out the fine due the city, and additional costs accrued. He shall enter into bond in the sum of one thousand (\$1,000) dollars before entering upon the discharge of any duties, payable to the State of Tennessee, for the use of the town of Shelbyville, and conditioned to discharge his duties and account for and pay over all moneys received. He shall have charge of the police, and assign them to duty, and inform and advise them from time to time of what is required of them. He shall make monthly reports to the mayor and aldermen at regular meetings, showing amount of all moneys received, from what source or department received, and amount from each defendant, number of lots in cemetery sold, and prices of same; amount of uncollected fines and costs, and shall pay over to the secretary all moneys collected. He shall issue and sign officially all payable warrants directed to issue by the mayor and aldermen, duplicates of which warrants shall be kept in a well-bound book, and not detached.

Sec. 10. Be it further enacted, That section 7 of this charter be amended so as to read, that the mayor of said town shall receive for his service the sum of two hundred (\$200) dollars annually.

Sec. 11. Be it further enacted, That this act take effect on and after its passage, the public welfare requiring it.

Passed April 15, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 19, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 401.

HOUSE BILL No. 788.

AN ACT to provide for the inspection of shops and factories, the appointment of a shop and factory inspector, and defining his duties and powers.

Governor to
appoint.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the governor, with the consent and advice of the senate, shall appoint an officer to be known as a shop and factory inspector, who shall hold office for a term of two years, or until his successor shall be appointed and qualified; Provided, That he may be removed at any time by the governor for cause.

To inspect
every six
months; report

Sec. 2. Be it further enacted, That it shall be the duty of the shop and factory inspector to inspect all workshops and factories where machinery is used at least once every six months, and he shall have authority to enter such work shops or factories at all proper times for the purposes of such inspection. He shall, on or before the first day of January of each year, make a report to the governor of the condition as respects safety to life and health of work shops and factories visited by him, and said report shall be printed for the use of the general assembly at its regular sessions. The expense of printing said report shall be paid out of the general appropriation for printing the reports of state offices.

Shops to be
kept clean;
machinery
guarded.

Sec. 3. Be it further enacted, That all workshops and factories where machinery is used shall be well ventilated and kept as clean as the nature of the business will permit. The belting, shafting, gear machinery, and drums of all workshops and factories where machinery is used, when so placed as in the opinion of the shop and factory inspector to be dangerous to persons employed therein while engaged their ordinary duties, shall, as far as practicable, be securely guarded.

Sec. 4. Be it further enacted, That the shop and factory inspector may order the opening of all hatchways, elevator wells, and wheel holes, upon every floor of any workshop or factory where machinery is used, to be protected by good trap doors, self-closing hatches, or safety catches or other safeguards such as will insure the safety of the employes in such workshop or factory when engaged in their ordinary duties. Hatchways, etc

Sec. 5. Be it further enacted, That every person, firm, or corporation running or operating any workshop or factory where fifteen or more persons are employed at labor, shall provide separate water closets for males and females, and keep the same in good sanitary condition. Water closets.

Sec. 6. Be it further enacted, That it shall be the duty of the shop and factory inspector to enforce the provisions of this act by giving proper notices to the person, firm, or corporation operating or running workshops or factories inspected by him, and also to make complaint to the attorneys-general of the respective districts of all violations of this act. Notice to owner; complaint.

Sec. 7. Be it further enacted, That any person, firm, or corporation operating or running any workshop or factory where machinery is used, upon conviction of a violation of this act, shall be fined not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100) for each offense; Provided, No action shall be taken until after four weeks' notice shall have been given by the shop and factory inspector to any firm, person, or corporation operating or running a workshop or factory of the changes necessary to be made, and not then if in the meantime said changes have been made. Fine.

Sec. 8. Be it further enacted, That the orders or notices given by the shop and factory inspector shall be written or printed, and signed by him officially, and served by himself or by leaving an attested copy thereof at the usual place of business of the person on whom service is to be made, and a copy of the same shall be filed in the office of the county clerk of the county in which the workshop or factory is located, and such copy shall be prima facie evidence that notice was given. How notice given.

Sec. 9. Be it further enacted, That for the inspec-

Fees; appli-
cation of act.

tion of each factory the inspector shall receive a fee of \$5, to be paid by the factory inspected; Provided, That when his fees reach \$1,500 per annum he shall cover all amount of fee above the sum of \$1,500 per annum into the state treasury; Provided, That this act shall apply to and have force and effect only in counties having a population of over 30,000 by the federal census of 1890, or any subsequent federal census.

Sec. 10. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 21, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 22, 1899, at 10 p.m.

BENTON McMILLIN,
Governor.

CHAPTER 402.

HOUSE BILL No. 557.

AN ACT to amend an act passed by the first extra session of the forty-sixth general assembly, March 11, 1890, and approved March 14, 1890, being an act entitled "An act to regulate the election franchise in accordance with article 4, section 1 of the constitution of the state;" also an act amending act of March 11, 1890, passed March 28, 1891, and approved March 30, 1891, being chapter 222, Acts of 1891, and to prescribe a penalty for violation of this act.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That chapter 222,

1891, section 1, passed March 28, 1891, and approved March 30, 1891, be so amended as to read after the word "election," at the end of said section 1, as follows: "Or that his name appears upon the certified list of voters of his voting precinct, which lists, as well as one for each and every district in the county, is to be made out and furnished by the trustee of each county of the state to the chairman of the board of election commissioners of said counties, giving the name of each voter of the respective districts who has paid his poll tax, said lists to be made out and delivered to the chairman of the board of election commissioners thirty (30) days before any general election, and by him delivered to the judges holding the election on or before the opening of the polls on election day.

Sec. 2. Be it further enacted, That said certified lists, as provided for in section 1 of this act, shall be returned to the chairman of the board of election commissioners, and by him returned with the poll sheets of the respective districts to the county court clerk, which shall be preserved by said clerk for a term of two (2) years; and the trustee shall be charged with the poll tax of each person whose name appears on said certified lists.

Sec. 3. Be it further enacted, That it shall be a misdemeanor for the trustee to fail or refuse to make out said lists as provided in section 1 of this act, and upon conviction he shall be fined not less than two hundred nor more than five hundred dollars.

Sec. 4. Be it further enacted, That it shall be a misdemeanor for the chairman of the board of election commissioners to fail or refuse to deliver said lists to the judges of the election as provided for in section 1 of this act, and upon conviction he shall be fined not less than two hundred nor more than five hundred dollars.

Sec. 5. Be it further enacted, That the trustee shall be entitled to receive ten (10) cents for every one hundred names in making out said lists. Said lists be sworn to by the trustee before any officer authorized to administer an oath, to be paid as the compensation of judges and clerks of election are now paid.

Sec. 6. Be it further enacted, That this act take

effect from and after its passage, the public welfare requiring it.

Passed April 22, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 22, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 403.

SENATE BILL No. 648.

AN ACT to incorporate the town of Tracy City, Grundy county, Tennessee, and to provide for the government and control of same; and to provide an election of officers of said town of Tracy City, and for other purposes.

INCORPORATION.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the inhabitants of the town of Tracy City, in the county of Grundy, and State of Tennessee, be, and they are hereby, constituted a body politic and corporate, under the name and style of The Town of Tracy City, and under that name may have perpetual succession, may sue and be sued, plead and be impleaded, grant, receive, purchase, and hold real, mixed, and personal property, and may have and use a corporate seal, and may alter the same at pleasure.

BOUNDARIES.

Sec. 2. Be it further enacted, That the corporate boundaries of the town of Tracy City shall be

follows, to wit: Beginning on a stake on the west side of the N. and C. R. R. at Werner's crossing; thence north 39 degrees west 28 poles; thence north 5 1-2 degrees east 50 poles; thence north 38 degrees east 20 poles; thence north 10 degrees east 18 poles to near colored church; thence north 19 degrees east 57 poles; thence north 45 degrees west 8 poles, to Altamont road; thence north 43 degrees east 66 poles to corner of Wm. Myers garden; thence south 46 degrees east 70 poles; thence east 28 poles; thence south 66 degrees east 31 poles; thence south 72 1-2 degrees east 24 poles; thence south 12 1-2 degrees east 18 poles; thence south 15 degrees east 38 poles to Burnett's corner; thence south 88 1-2 degrees east 54 poles; thence south 2 degrees west 102 poles; thence south 35 degrees west 26 poles; thence south 39 degrees west 40 poles; thence 56 1-2 degrees west 10 poles to Reed bridge; thence north 87 degrees west 24 poles; thence north 68 degrees west 16 poles; thence south 79 1-2 degrees west 12 poles; thence north 60 degrees west 13 poles; thence west 38 poles to Lankford's road; thence south 45 degrees west 4 poles; thence north 86 degrees west 32 poles to creek; thence south 10 1-2 degrees west 10 poles; thence north 86 1-2 degrees east 106 poles; thence north 4 1-2 degrees east 36 poles; thence east 52 poles to corner Werner's mill; thence north 18 poles; thence south 85 degrees west 15 1-2 poles to beginning.

ADJOINING TERRITORY.

Sec. 3. Be it further enacted, That any territory abutting upon or adjoining to the city of Tracy City, if desired by the owner or owners of such land or lands, as shown by petition to the city council of said city, may be annexed to said city by ordinance upon such terms and conditions as said council may deem for the best interest of said city, and shall be and become a part of said city as effectually as though the same had been annexed by act of legislature; Provided, That this section shall not apply to any lands upon which any taxes assessed in any town or municipal corporation are due and unpaid, nor to the

lands of any town or other municipal corporation having a funded debt.

OFFICERS.

Sec. 4. Be it further enacted, The officers of the city of Tracy City to be chosen by the people shall be a mayor and five aldermen, who shall constitute the city council, known as the board of mayor and aldermen. Said mayor shall be chosen by the voters of said city every two years. No person shall be eligible to the office of mayor or alderman unless he is at least thirty years old, and shall have been a citizen of the United States for seven years, and a citizen of Tennessee, and a qualified voter in the county of Grundy and a resident of said city for at least one year next before the day of his election; Provided, That such residence qualification in the city shall not apply to the first mayor and aldermen to be selected under this charter, nor to the first officials hereinafter provided for to be appointed by the mayor and city council.

DUTIES AND POWERS OF MAYOR.

Sec. 5. Be it further enacted, The mayor shall hold his office for two years, and until his successor shall be elected and qualified. The mayor shall from time to time give the city council information relative to the condition of the corporation, and shall recommend such measures as he may deem best for the interest of the city. The mayor shall see that the laws of the state, and the ordinances of the city, are enforced within the city, and may remit in whole or in part costs, forfeitures, and penalties imposed for the violation of any ordinance, but shall make a report of such remissions to the city council at the next session thereof, together with his reason therefor. He shall have power to appoint experts to examine the affairs of any department of the city government when he shall deem it necessary. All ordinances and resolutions shall be approved and signed by the mayor or before the next meeting of the city council.

the passing of such ordinances or resolutions, and the mayor shall have veto power. If he refuses to approve any ordinance or resolution he shall return the same to the council at its next meeting with his reason, in writing, for his refusal; and said ordinance or resolution shall not be valid unless the council, by a two-thirds vote of the whole number of aldermen elected, pass the same notwithstanding the mayor's veto; but if the mayor shall not veto and return the same as provided, it shall be valid without his signature. The mayor shall be ex officio a member of the committees and boards whose creation are hereinafter provided for. He shall call special sessions of city council when he deems it expedient, and shall perform such other duties as the council may by ordinance or otherwise impose upon him. The mayor shall preside at all meetings of the board of mayor and aldermen, and, in case of a tie vote before said board, he shall vote, but not otherwise. The mayor may, in writing, request one of the aldermen to act in his stead during his absence, sickness, or other disability, and in the event the mayor shall fail to make such request, the board of mayor and aldermen shall elect one of their number to perform the duties of the mayor, and such alderman so appointed by the mayor or elected by the board shall be vested with all the power of mayor for the time being. The mayor shall have the authority to appoint, by and with the advice and consent of the board of aldermen, all other officers hereinafter named. And in case of temporary vacancies he shall make temporary appointments, and shall have power to suspend any of such officers for misconduct in office, or for neglect of duty, reporting his action, with his reasons therefor, in writing, to the next regular meeting of the board of mayor and aldermen, and final action shall be taken thereon by said board.

WARDS.

Sec. 6. Be it further enacted, That the board of ayor and aldermen may divide the town into wards, -ee (3) in number, and define their boundaries by linance, and may from time to time alter the same; ovided, That no change in ward lines be made to

take effect within one whole year next succeeding such change; And provided, That until otherwise fixed by ordinance of the board of mayor and aldermen of the town shall be divided into three wards as follows, to wit: All that portion of the town lying west of the main track of Nashville, Chattanooga & St. Louis Railway shall be the first ward. All that portion of the town lying east of the said main track, and north of Fifth street, shall be the second ward. All that portion of the town lying east of said main track, and south of Fifth street, shall be the third ward.

ELECTION OF OFFICERS.

Sec. 7. Be it further enacted, That on the first Tuesday in May, 1899, an election shall be held in the town of Tracy City, by the sheriff of Grundy county, for the election of a mayor and three aldermen, one alderman from each of said wards, to be elected by the qualified voters of their respective wards. Said officers to hold for a term of two years, and until their successors are elected and qualified, their term of office expiring on the first Tuesday in May of every other year.

Sec. 8. Be it further enacted, That on the first Tuesday in April of every second year thereafter such an election shall be held for the election of mayor and aldermen as provided for in section 7.

ELECTIONS, HOW HELD.

Sec. 9. Be it further enacted, That the elections provided for in section eight of this act shall be held by the town marshal or chief policeman under the rules and regulations prescribed by the board of mayor and aldermen, and after twenty days advertisement of same. The poll lists and tally sheets shall be returned to the board of mayor and aldermen or before 9 o'clock a.m. on the first Saturday succeeding the election, at which time, or as soon thereafter as a quorum for the transaction of business is obtained, said board shall meet in regular session canvass the vote, and by resolution declare th

sult, causing certificates of election to issue under the seal of the corporation, signed by the mayor or the mayor pro tempore, and countersigned by the recorder. Nothing herein appearing, however, shall be construed to conflict with the general laws of the State of Tennessee governing elections.

QUALIFICATIONS OF OFFICERS.

Sec. 10. Be it further enacted, That every officer of the town, whether elected by the qualified electors or by the board of mayor and aldermen, shall have been a resident of the State of Tennessee for more than one year, and a resident of the town of Tracy City not less than six months immediately preceding his election, and shall continue to reside within the town during his term of office; and the aldermen shall have resided in their respective wards for not less than sixty days preceding their election, and shall continue to reside therein during their term of office.

QUALIFICATION OF VOTERS.

Sec. 11. Be it further enacted, That all persons who are qualified to vote for members of the general assembly of the state, and who have been actual bona fide residents and citizens of the town for ninety days prior to the election, shall be entitled to vote in all municipal elections.

VACANCIES, HOW FILLED.

Sec. 12. Be it further enacted, That if there should be a vacancy in the office of alderman, a majority of the board of mayor and aldermen may supply the same by the election of some qualified elector residing in the ward in which the vacancy exists.

ELECTION OF RECORDER AND TREASURER.

Sec. 13. Be it further enacted, That it shall be the duty of the board of mayor and aldermen, as soon

after their organization as practicable, to elect or appoint a recorder, treasurer, and such other officers and committees as they shall deem proper for the purpose of carrying on the business of said corporation, whose duties will be hereinafter defined.

MARSHAL.

Sec. 14. Be it further enacted, That the board of mayor and aldermen may elect a city marshal, and as many assistants as the board may deem necessary, for such terms of office and under such rules and regulations as may be prescribed by said board.

OATH.

Sec. 15. Be it further enacted, That the mayor and aldermen of said city shall, before entering upon the duties of their office, take an oath before some justice of the peace of Grundy county to faithfully, uprightly, and honestly demean themselves as mayor and aldermen of said corporation during their continuance in office.

COMPENSATION OF OFFICIALS.

Sec. 16. Be it further enacted, That all officials elected by the board of mayor and aldermen shall be fixed by said board.

BOND OF OFFICERS.

Sec. 17. Be it further enacted, That the board of mayor and aldermen may require a bond or bonds of any officer elected by said board, and fix the amount and terms thereof, and such bonds shall be required of any and all officers charged with the collection and disbursement of town revenues.

POWERS OF BOARD.

Sec. 18. Be it further enacted, That the m

board of aldermen of the town of Tracy City, are hereby empowered:

1. To enact such by-laws and ordinances as may be necessary to preserve the health, quiet, peace, and good order of said town of Tracy City, including such quarantine regulations not to exceed more than two miles outside of the corporate limits, as occasion may require.

2. To fix the compensation of all officers and agents of the corporation.

3. To declare what is a nuisance, and to prevent and remove same.

4. To appropriate money, and to provide for the debts and running expenses of the corporation.

5. To license and tax all privileges, taxable by the laws of the state.

6. To regulate, prohibit and suppress theatrical and other shows and exhibitions.

7. To regulate and suppress gaming and gambling houses, disorderly houses, bawdy houses, and all houses where one or more men and women meet for lewd purposes or prostitution or adulterous cohabitation, and they shall have power to declare all such places nuisances, and abate them as such.

8. To suppress and prevent the carrying of concealed weapons, or the sale of the same.

9. To regulate or prohibit the storage, sale, or use of firecrackers, and all other fireworks, toy pistols, explosives, and combustibles.

10. To provide for the inspection, weighing, and measuring of all fuel and food products brought to be sold on the market for the citizens of the town.

11. To establish, regulate, license, and tax markets and marketers, or persons selling produce or provisions in the town.

12. To erect and keep a calaboose or city prison in which to confine all parties violating the city ordinances, under such regulations as they may, by laws or ordinances, adopt.

13. To erect and organize a workhouse in or near the city, and provide for committing and working in said workhouse, on the public streets, or city works, any person who shall fail to pay or secure any fine or costs assessed against them for the violations of

any ordinance, or who, for any such violation, may be sentenced to said workhouse, and to provide for the management and control of the same.

14. To regulate or prohibit the running at large in the streets of dogs or other animals.

15. To designate in said town certain districts as fire limits, and provide for the character of houses that may be built in said limit or limits, and to regulate the same.

16. To lay said city off into any number of wards, not more than five, and change the same from time to time.

17. To pass all ordinances necessary for the health, peace, safety, and good order of the town, and for the suppression and prohibition of any and all acts and things made criminal by the laws of the state, and to provide a punishment for a breach of the same.

18. To grant rights of way through the streets and alleys of said town for street railways and other railways.

20. To condemn and take, use and appropriate any ground necessary to widen or extend its streets, avenues, and alleys, but it shall pay to the owner or owners of said ground the actual damage done them, taking into consideration the improvements made.

21. To keep up the streets, alleys, and sidewalks of said town, and to fix the grade of the same; to open others, abolish, widen, or extend the same, and to pass all necessary ordinances requiring the owners of lots to make brick, stone, gravel, cinder, or plank sidewalks in front of their property, along any street, and if the owner refuse, to provide a remedy; the same may be done at the expense of said town, and the cost of such improvement shall be charged to the owner or owners of said land, which shall be a lien upon said land for twelve months from the completion of said work, and shall be enforced in the same manner as any statutory mechanics' lien.

22. To prevent engines or trains from blocking the streets and alleys of said town, and to regulate their speed through the town.

23. To make suitable regulations for the preservation of life and property from fire and other casualty, and to pass ordinances requiring all par-

before erecting any building in the town, to obtain written permission from a building committee, which may be appointed and governed by suitable regulations.

24. To provide for the organization and regulation of fire companies, volunteer or otherwise.

25. To provide for a system of waterworks, and its control; erect hydrants and pumps; construct cisterns and reservoirs; to lay pipes for conducting and distributing water over the town, and keep the same in repair; to subscribe, purchase, and own stock in water companies in said town, and generally to do all things necessary to procure and keep for said town a complete system of waterworks, for domestic, mechanical, and other purposes, and to regulate and fix the price to be paid by consumers thereof; to provide for the lighting of the streets, alleys, and public places in said town.

26. To pass and enforce all ordinances that may be necessary to effectuate and carry out the provisions of this act, and for all purposes, for the good health, good government, and general welfare of the town and the inhabitants thereof.

BONDS, ETC.

Sec. 19. Be it further enacted, That the mayor and board of aldermen are hereby authorized to contract indebtedness on behalf of the town upon the credit thereof, by issuing bonds of the town and disposing of them, for the purpose of obtaining money for the following purposes (said bonds to be payable in legal tender money): 'To build, construct, and operate a system of waterworks for said town, in or near the same, or to subscribe stock in a waterworks company that will furnish water for the town; Provided, That no time shall the bonds issued under this authority or any one or more purposes, or for all purposes, exceed ten per cent. of the taxable values of real and personal property in the said town, as shown by the city assessment at the time; Provided further, That before any bonds are issued under this authority the mayor and board of aldermen shall draw up a propo-

sition that shall disclose clearly and fully the amount of bonds to be issued, the length of time they are to run, the rate of interest, and the purpose or purposes for which they are to be issued, and shall cause said proposition to be published in some newspaper in said town, or to be posted up in at least two public places in each ward in said town, for thirty days before the day of election, which election shall be called upon proper notice in said town, under the regulations of the mayor and board of aldermen, which election shall be called for the purpose of submitting said proposition to a vote in said town. All persons qualified at the time to vote for mayor and aldermen shall be entitled to vote in said election, and no bonds shall be issued under said proposition unless two-thirds of the votes cast in said election shall be in favor of said proposition; Provided, That the defeat of any proposition shall not preclude its re-submission; Provided further, That no bonds issued under this authority shall run for less than ten years, or bear a greater rate of interest than six per centum per annum. When any bonds are issued hereunder, for any of the purposes named, the mayor and board of aldermen shall have the power to pass and enforce any and all ordinances necessary to effectuate and carry out the purposes for which said bonds are issued, and may create any and all necessary boards and commissioners, and pass ordinances regulating their actions and duties. Whenever any bonds are issued hereunder, the mayor and aldermen shall annually levy a tax upon all taxable property and polls within the corporate limits of said town, of a sufficient amount, and for the purpose of paying the interest on said bonds and creating a sinking fund to liquidate the same, when they mature. Said bonds, when issued, shall be signed by the mayor and countersigned by the recorder, with the corporation seal attached.

BOARD MAY SUPPLY OMISSIONS.

Sec. 20. Be it further enacted, That whenever this act, any omissions are made in defining the duty or authority of any officers provided for herein, which is essential properly to carry out the object

this act, the mayor and board of aldermen are hereby granted authority to supply such omissions, and they are further given power and authority to do any and everything necessary to carry out the objects of this act.

MEETINGS OF BOARD, ETC.

Sec. 21. Be it further enacted, That the board of mayor and aldermen shall, by ordinance, fix the times at which the regular meetings of said board shall be held. Until otherwise provided by ordinance, the regular meetings of the board shall be at 7 o'clock p. m., on the first and third Thursdays in each month. Whenever in the opinion of the mayor the welfare of the town demands it, he shall call special meetings of the board of mayor and aldermen, by a written call, which shall be served by a member of the police force then in the town, and said policeman or marshal shall make return over his signature, showing the names of the aldermen served, with a statement that he has served said call upon those named in his return. Said call shall specify the purposes of said meeting, and, together with the officer's return shall be spread upon the minutes of the meeting and the business of such meeting shall be restricted to the objects so stated. If, at any time in the opinion of the majority of the aldermen, the welfare of the town demands that an official meeting be called and the mayor is absent from the town or unable, from any reason, to call such meeting, or shall refuse to call the same, the recorder shall, upon the written request of a majority of aldermen elected, call such meeting in the manner and form hereinbefore provided. Such meeting shall be called to order by the recorder, and the aldermen present shall proceed to elect one of their members mayor pro tempore, who shall be vested for the time with the same power as the mayor, but he shall not act as alderman.

QUORUM.

Sec. 22. Be it further enacted, That a majority of the members of the board of mayor and aldermen

shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time, and under an ordinance for that purpose, may compel the attendance of absent members by fines and penalties.

RULES OF PROCEDURE.

Sec. 23. Be it further enacted, That the board of mayor and aldermen may determine its own rules of procedure, except as herein provided, and prescribe the punishment of members or other persons, for disorderly conduct during the meeting of the board, and enforce the same; and the mayor shall have power to direct that any person not a member of the board, who shall be guilty of such boisterous or disorderly conduct as to disturb the sessions of the board, be ejected from the room where such meetings are held, and for that purpose the mayor may call to his aid any member of the police force, and as many other persons as he may deem necessary, and the board may, by ordinance, provide proper penalties for the refusal of any person to obey the orders of the mayor, when so summoned by him.

SALARIES.

Sec. 24. Be it further enacted, That the salaries of the mayor and aldermen shall be fixed by ordinance of the board of mayor and aldermen; Provided, That the salary of the mayor shall not exceed \$100.00 per annum, and the salary of the aldermen shall not exceed \$25.00 per annum each; Provided further, That the salaries of the mayor and aldermen shall not be increased nor diminished during their continuation in office.

DUTIES OF RECORDER.

Sec. 25. Be it further enacted, That the record of Tracy City is hereby vested with full power and authority to try all offenses for violation of the ordinances and by-laws of the corporation, and is hereby vested with concurrent jurisdiction with

tices of the peace in cases of violation of the criminal laws of the State of Tennessee, and to be entitled to the same fees allowed justices of the peace for like services, the same to be paid into the town treasury. Said court shall have power and authority to preserve order and decorum while in session, and shall be vested with the same power to punish for contempt, by fine and imprisonment, as are incident to courts of record in this state.

DISABILITY OF RECORDER.

Sec. 26. Be it further enacted, That in the absence, incompetency or other disability of the recorder, the mayor is hereby authorized to act in his stead, or appoint some suitable person to act as judge of said court, and the mayor or person appointed by him, is invested with the same powers of the recorder while so acting.

COURT OFFICER.

Sec. 27. Be it further enacted, That the chief marshal shall wait upon said court or appoint one of his deputies to do so, when requested by the recorder or presiding officer of the court.

RIGHT OF APPEAL.

Sec. 28. Be it further enacted, That in all cases in which a person charged with a violation of the town ordinances shall be tried in said recorder's court, the accused, or the town of Tracy City, shall have the right to appeal from the judgment of said court to the circuit court of Grundy county, where the cause shall be tried de novo; but no appeal shall be granted unless the same be prayed and obtained and proper appeal bond, with solvent security, to be approved by the recorder, in a sum in no case less than the amount of the judgment and costs, be filed within two whole days after the rendition of the judgment.

PROCESS.

Sec. 29. Be it further enacted, That all process issuing from said recorder's court shall run in the name of "The Town of Tracy City." Subpoenas for witnesses issued from said court may be served in any county in this state by any executive officer thereof, under the same rules governing like process issuing from courts of record in this state.

ORDINANCES.

Sec. 30. Be it further enacted, That all ordinances and laws passed by the board of mayor and aldermen, shall run thus: "Be it enacted by the board of mayor and aldermen of the Town of Tracy City."

ARRESTS, WHO MAY MAKE.

Sec. 31. Be it further enacted, That any member of the police force may, upon view, arrest any person who may be guilty of a breach of the ordinances of the town or a crime against the laws of the State of Tennessee, and are empowered to serve process of any kind or character issued by or out of the recorder's court, and to serve process in criminal matters issued by any justice of the peace within the town.

WHO MAY SERVE PROCESS.

Sec. 32. Be it further enacted, That the chief of police or town marshal, and assistant policemen, are empowered to serve any and all process which may be issued by any court in Grundy county, in any proceeding instituted for the enforcement of any town ordinance, or punishment for violation thereof, or for collection of any fines or forfeitures which may be incurred under the ordinances of the town.

APPOINTMENT OF OFFICERS AND COMMITTEES.

Sec. 33. Be it further enacted, That the election or appointment of all officers and committees herein provided for to be elected or appointed by the board of mayor and aldermen, shall be appointed by the mayor, by and with the advice and consent of the board of mayor and aldermen.

FRANCHISES.

Sec. 34. Be it further enacted, That the board of mayor and aldermen shall not grant any exclusive privilege to any person or corporation within the limits of said city for a longer period than twenty years, except the right to railroad companies to build their lines or railroad over, through and under the streets, alleys, or lanes of the city.

CITY ATTORNEY.

Sec. 35. Be it further enacted, That the mayor shall, by and with the advice and consent of the board of aldermen, have the right to appoint some one learned in the law to act as attorney for the corporation, and said board of mayor and aldermen shall have the right to fix the salary of such officer and define his duties.

MARSHAL TO CONTROL STREET HANDS.

Sec. 36. Be it further enacted, That the marshal elected or appointed as herein provided, shall have charge of the work hands of the street, keep their time and see that they do good work.

Sec. 37. Be it further enacted, That before the town of Tracy City shall be liable for damages to any person injured upon any of the streets, alleys or sidewalks of the town of Tracy City, the person so injured,

or some one in his or her behalf, shall give the mayor written notice, within thirty days after the same has been received, stating in such notice when, where and how the injury occurred, and the extent thereof.

DAMAGE SUITS.

Sec. 38. Be it further enacted, That no action can be maintained against the town of Tracy City for damages to persons or property by reason of defect in the streets or sidewalks of said town, which defect was caused by, or was the result of the negligence of some person other than an employe of the town, unless said person shall be joined with the town in the same action as defendant, and, in the event of a judgment against the town in such case, the town shall not be required to pay the same until execution shall have been issued against said person, and return thereof duly made that after diligent search no property could be found out of which to satisfy the same, and the town therefore, should have the right to purchase the judgment from the plaintiff by paying to him the amount of the judgment and the interest, or if the parties agree, a less amount, and receive from the plaintiff an assignment thereof; and the judgment [payment] by the town shall not operate as a satisfaction of the judgment against said co-defendant for the amount it has paid plaintiff, together with interest thereon, which, if collected from said co-defendant under said execution, shall be paid to the town.

BOND ON APPEAL FROM JUDGMENT.

Sec. 39. Be it further enacted, That the town of Tracy City, in taking an appeal from a judgment or decree in any judicial proceedings, shall give bond as required by law, and all such bonds shall be executed by the mayor and attested by the recorder, under the seal of the corporation, and shall be taken in all cases as a full compliance with the laws in such cases.

BASIS OF TAXATION.

Sec. 40. Be it further enacted, That all prop^{ty}

real, personal and mixed, subject to state and county taxes, and all persons liable for poll tax, when the same shall have become duly assessed for taxation, as now or may hereafter be provided by law, by the assessor or assessors elected or appointed under the general laws of the state, shall be the basis upon which property shall be taxed, and taxes collected by the town of Tracy City for municipal purposes as hereinafter provided.

TAX BOOKS.

Sec. 41. Be it further enacted, That as soon as practicable in each year, after the assessment books for the state and county are complete (which shall be after the equalization boards provided for by the state law shall have finished the equalization of the taxes), it shall be the duty of the recorder to prepare or cause to be prepared, from said assessment books of Grundy county, a tax book as is required by the laws of the state to be made out for the county trustee, embracing, however, only such properties and persons as are liable for taxes within the town of Tracy city. Such tax book, when certified to be true, correct, and complete by the recorder, shall be the assessment for taxes in said town for all municipal purposes: Provided, That there may be an assessment, by the recorder at any time, of any property subject to taxation found to have been omitted.

TAX LEVY.

Sec. 42. Be it further enacted, That it shall be the duty of the recorder, in each year, as soon as such assessment roll for the town is complete, to submit to the board of mayor and aldermen a certified statement of the total amount of the valuation or assessment of the taxable property for the year within the town limits (including the assessment of all railroad, telephone, and telegraph properties), together with certified statement of the revenue derived by the town from privilege taxes, merchants' ad valorem taxes, and fines for the preceding fiscal year. Upon

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DUTIES OF TREASURER.

Sec. 46. Be it further enacted, That it shall be the duty of the treasurer to receive and receipt for the revenue of the town, but he shall not pay out any part of the same, except on warrants previously authorized by the board of mayor and aldermen, signed by the mayor and attested by the recorder, under the seal of the corporation, and such warrants shall specify the particular departmental fund against which same are drawn, and shall be payable out of no other fund.

SEAL, RECORDS, ETC.

Sec. 47. Be it further enacted, That the recorder shall have custody of the town seal, the public records, the original ordinances of the board of mayor and aldermen, all contracts, deeds, and certificates, relative to the title of any property of the town, all official indemnity or security bonds (except his own bond or bonds), and such other records, papers, and documents of value as are not required to be deposited with any other person. He shall certify, under his hand and seal of the town, all copies of such original documents, records, and papers in his office as may be required by any officer or person, and charge therefor to individuals such fees for the use of the town as may be provided by ordinance.

OTHER DUTIES.

Sec. 48. Be it further enacted, That the recorder shall perform such other duties, not inconsistent with this act, as the board of mayor and aldermen may, by ordinance or resolution, direct.

Sec. 49. Be it further enacted, That this act is hereby declared to be a public act, and may be read in all the courts of law and equity in this state without proof.

Sec. 50. Be it further enacted, That the control and management of Shook school, in Tracy City, the

election and appointment of its trustees, and their powers and duties, shall in no manner be interfered with; but the same shall remain as heretofore.

Sec. 51. Be it further enacted, That the police authority of Tracy City shall extend to a distance of one mile from the lawful corporate limits thereof, for the suppression of all disorderly acts forbidden by the general laws of the state; Provided, That such jurisdiction shall not be hereby extended beyond the limits of the county in which said town is situated, or so as to come within one mile of any other incorporated town or city.

Sec. 52. Be it further enacted, That this act shall not take effect unless ratified by a majority of the votes cast in an election to be held for that purpose, as hereinafter provided.

Sec. 53. Be it further enacted, It shall be the duty of the sheriff of Grundy county, within thirty days from the passage of this act, to open and hold an election at a place to be by him selected in Tracy City within the boundary hereinbefore described, in the manner provided by law for the holding of general elections, for the election of state and county officers, upon the fees and costs therefor being paid or secured to him, after having given at least ten days' notice of said election, by publication in a newspaper published in said town, or by written or printed notices posted in at least ten of the most public places in said town.

Sec. 54. Be it further enacted, The qualified voters who favor the ratification of this act shall have written or printed on their ballots, or tickets, the words, "For Ratification," and those who oppose the same shall have written or printed on their ballots or tickets, the words, "Against Ratification."

Sec. 55. Be it further enacted, The officer holding said election shall make return thereof to the county court clerk of Grundy county, who shall certify the result thereof to the secretary of state.

Sec. 56. Be it further enacted, Upon receipt such certificate, if a majority of the votes cast at said election shall have been cast "For Ratification," shall be the duty of the secretary of state to de-

this act in full force and effect, and thereupon said act shall be and become in full force and effect.

Passed April 21, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved April 24, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 404.

SENATE BILL No. 630.

AN ACT to provide for the creation and organization and defining the power of boards of park commissioners in cities having a population of 75,000 and upwards, according to the federal census of 1890.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That a body politic and corporate is hereby created, under the name and style of Board of Park Commissioners, in each and every of the cities of this state having a population of 75,000 and upwards, according to the federal census of 1890, and by such name to have perpetual succession, with power to sue and be sued, contract and be contracted with, to adopt a common seal, and exercise all the powers hereinafter conferred upon said boards of park commissioners. Board of park commissioners.

Sec. 2. Be it further enacted, That said boards of park commissioners shall consist of five members, to be appointed by the mayors of cities having a population of 75,000 and upwards, according to the federal census of 1890, and their terms shall be for five years, except as hereinafter provided and expiring on first of January. The mayor shall name the five members, and the length of service of each, making term of one five, and of the other four members, Appointment; term.

the presentation of such statements by the recorder, the board of mayor and aldermen shall proceed by ordinance to make the proper levy to meet the expenses of the town for the current fiscal year, not exceeding, however, in the total levy for all purposes (except interest on the bonded debt of the town), in any one year, one per centum of the total assessment of property within the town for the year.

COMPENSATION FOR TAX BOOKS.

Sec. 43. Be it further enacted, That it shall be the duty of the recorder, immediately after the levy of taxes by the board of mayor and aldermen, to cause the said levy to be extended upon the said book, prepared by the recorder, in the same manner that extensions are made upon the tax books in the hands of the county trustee. The recorder shall be allowed a reasonable compensation out of the town treasury for the preparation of said tax book and extensions; the amount thereof to be fixed by resolution of the board of mayor and aldermen.

TURNING OVER TAX BOOK.

Sec. 44. Be it further enacted, That it shall be the duty of the recorder, after the tax levy has been extended, and the tax book completed, as provided in above sections, to turn the said tax book over to the town treasurer.

TAXES DUE AND PAYABLE WHEN.

Sec. 45. Be it further enacted, That all taxes due the town of Tracy City, except privilege and merchants' ad valorem taxes, shall be due and payable on the first Monday in November of the year for which the taxes are assessed, and shall bear interest at a rate of six per centum per annum from the first day in February following.

DUTIES OF TREASURER.

Sec. 46. Be it further enacted, That it shall be the duty of the treasurer to receive and receipt for the revenue of the town, but he shall not pay out any part of the same, except on warrants previously authorized by the board of mayor and aldermen, signed by the mayor and attested by the recorder, under the seal of the corporation, and such warrants shall specify the particular departmental fund against which same are drawn, and shall be payable out of no other fund.

SEAL, RECORDS, ETC.

Sec. 47. Be it further enacted, That the recorder shall have custody of the town seal, the public records, the original ordinances of the board of mayor and aldermen, all contracts, deeds, and certificates, relative to the title of any property of the town, all official indemnity or security bonds (except his own bond or bonds), and such other records, papers, and documents of value as are not required to be deposited with any other person. He shall certify, under his hand and seal of the town, all copies of such original documents, records, and papers in his office as may be required by any officer or person, and charge therefor to individuals such fees for the use of the town as may be provided by ordinance.

OTHER DUTIES.

Sec. 48. Be it further enacted, That the recorder shall perform such other duties, not inconsistent with this act, as the board of mayor and aldermen may, by ordinance or resolution, direct.

Sec. 49. Be it further enacted, That this act is hereby declared to be a public act, and may be read in all the courts of law and equity in this state without proof.

Sec. 50. Be it further enacted, That the control and management of Shook school, in Tracy City, the

responsible bank or trust company, authorized by law to act as such, with a paid-up capital stock of not less than one hundred thousand dollars, he shall give bond and good security, to be approved by the mayor and city council of such city, in a sum to be fixed and prescribed by such mayor and city council from time to time, sufficient to cover and secure the moneys and valuables coming to the hands of the treasurer, and conditioned faithfully and honestly to account for and pay over to the proper persons such moneys and valuables.

Sec. 7. Be it further enacted, That no member of said board of park commissioners shall receive any ^{Salaries.} compensation whatever, in respect to his services as a member of said board. The secretary, for his services as such, shall not receive \$600.00 per annum, and if the offices of secretary and treasurer be held by the same person, he shall not receive for his services in both capacities, exceeding \$1,000.00 per annum; nor shall the treasurer, if a separate person or corporation, receive for his or its services as such, exceeding \$500.00 per annum. If any member of said board shall incur any of the disqualifications mentioned in this act, or become incapacitated to perform any of the duties of a member of said board of park commissioners, or be found guilty of any felony, he shall immediately cease to be a member of said board, and his place shall be filled by appointment as before mentioned.

Sec. 8. Be it further enacted, That the board of park commissioners, constituted as aforesaid, shall ^{General control of parks.} have the care, management and custody of all the parks and grounds used for park purposes, and all such property as may hereafter be acquired for park purposes by said board of park commissioners. The said board of park commissioners shall have power to acquire and hold property for public parks by condemnation or by contract for the same, or accept conveyances thereof; to receive gifts, donations, or devises of land, or other property for park purposes; to lay out and improve walks, drives, roads, tree-planting and other proper improvements to park or parks, and to enter into contracts for the same; to protect all property and improvements belonging to or pertaining to

said parks, or under their management or control, from injury or decay; to adopt rules and ordinances regulating the reasonable and proper use of and preventing injury to and misuse of all parks, walks, walkways and park property generally, and to prevent disorder and improper conduct within the precincts of any park or inclosure, and providing punishment therefor, or for the infraction of the rules adopted by said board of park commissioners. And the police power of the city in or adjacent to which the said park or parks be situated, shall extend over such park property or properties of every kind, as the same is or shall be acquired, and all violations of such rules and ordinances adopted by said board of park commissioners, and all other misdemeanors and offenses committed within any park property or precinct may be punished by the city courts of such city, upon complaint and proceedings had as now provided by law in cases of misdemeanor and violations of city ordinances. The said board of park commissioners and their agents and employes will have the power to make arrests for misdemeanors committed within any park precinct, or any violation of any of the park rules or ordinances.

Acquisition
and location.

Sec. 9. Be it further enacted, That the said board of park commissioners shall, as soon as conveniently can be done, proceed to acquire land for park purposes. The board may, by purchase, condemnation or acceptance of gift, establish one or more parks in such locality or localities as they deem, in their discretion, best for the interest of the city within which said board exists. In locating said parks and such other, if any, park property as may be acquired, said board shall have regard to the needs of the different portions of the city and the population thereof, and the suitability of ground for park purposes, as well as the cost thereof. In any and all such matters the said board of park commissioners shall have discretion, as also the system of improvements of the same. In connection with the establishment of such park or parks the said board of park commissioners may acquire, purchase, gift or condemnation, such land as may be necessary to connect said parks with the city by streets and boulevards, and may improve the same.

Sec. 10. Be it further enacted, That for the purpose of improving any land held or acquired as aforesaid, the board of park commissioners may employ all proper agents and enter into all needful contracts.

Sec. 11. Be it further enacted, That title of all property acquired for park purposes, under the provisions of this act, shall vest in the board of park commissioners for the use and benefit of the city in which said board exists, and the same with all the improvements and equipments, shall be held in strict trust for park uses free from all taxation, imposts or assessments, state, county, district, municipal or otherwise, and subject only to a lien to secure the park bonds, as hereinafter set forth. Title to property.

Sec. 12. Be it further enacted, That whenever, in the opinion of said board of park commissioners, property shall be needed for any park purposes contemplated by this act, and said board may, by resolution, reciting such need, order the condemnation of said property, and proceedings for such condemnation shall be had, as prescribed by section 1325 to 1348 of the Code of Tennessee, and the acts amendatory thereof. Condemnation.

Sec. 13. Be it further enacted, That the said board of park commissioners shall not expend more than the proceeds of the bonds in the purchase or condemnation of lands for park purposes.

Sec. 4. Be it further enacted, That for the purpose of providing funds for the acquisition, improvement and management of park property, as by this act is contemplated, cities having a population of 75,000 and upwards, according to the federal census of 1890, shall have the authority to issue bonds to the amount of not exceeding \$250,000, payable in lawful money of the United States, to be known as park bonds, to be secured, principal and interest, by a first lien on all park property acquired, or to be acquired within the contemplation of this act. The said bonds shall be of the denomination of \$1,000.00 each, shall bear interest at a rate of not exceeding five per cent. per annum, payable semi-annually, evidenced by coupons attached, and the principal shall be due and payable at a period not more than forty years from the date of issue, but may be redeemable at not exceeding 105 and Park bonds may be issued.

Redemption.

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issuance.

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for park prop-
erty.

accrued interest, at the option of the city, at any period after five years from date, to the extent that the accumulation of the sinking fund herein provided for will permit, or the interests of the city may require, from time to time. And in calling for all bonds to be redeemed as herein provided, the same shall be called for in the order of their numbers. The said bonds shall be payable, principal and interest, at some place in the city of New York, to be therein named, and shall be prepared and signed by the mayor and city recorder, on behalf of the city, and authenticated by the seal of the city. The mayor and city council of cities having a population of 75,000 and upwards, according to the federal census of 1890, shall annually levy and collect, as other taxes are assessed and collected, upon the taxable property of the city, taxes sufficient to pay the interest coupons on said bonds as they shall mature, and to provide for a sinking fund to be used for the redemption of the bonds and for the improvement of the park. Said taxes, as collected, shall go into, create and be held as a park fund, separate and apart from all other city revenues or funds, and to be used alone for the payment of interest, the redemption of the bonds and other park purposes. No park bonds shall be issued until and unless the proposition to issue the same shall have been first submitted to a vote of the people, and have received a constitutional majority of the votes cast at said election.

Sec. 15. Be it further enacted, That the park fund shall be disbursed by the city revenue office upon the voucher of the board of park commissioners, under the limitations herein set out.

Sec. 16. Be it further enacted, That park bonds shall not be sold at less than par and accrued interest at date of sale; but the board of park commissioners may use such of them as may be necessary, at par, in paying for park property purchased by said board, at not more than its reasonable and market cash value and upon completing any such purchase, and receipt of proper deed or vestiture of title in said board, contemplated and provided herein, it shall be the duty of the mayor and city recorder, on the order of said board of park commissioners, to issue and deliver to the seller or sellers, park bonds to the amount

the purchase price of such park property. The remainder of said bonds, in case of the use of a portion of them in the purchase of park property, and otherwise all of them, shall be sold by the city issuing them, and proceeds covered into the park fund in its treasury, in like manner as other bonds of such city, authorized by law, are sold and proceeds collected; and such proceeds shall be used for park purposes only, and disbursed by the city revenue office, on the order of the board of park commissioners, in purchasing, improving, managing and caring for park property, as herein and hereinafter declared.

Sec. 17. Be it further enacted, That the board of park commissioners shall not lay out or become liable for more than the amount of the budget fixed for such purposes by the city council, for any one year, in respect of the improvement of park property, nor shall said board, in any respect, or to any extent, or under any devise, anticipate the income or make the work done in improvement in any one year a charge upon the anticipated income of another year, but this limitation shall not apply to any sum or sums derived by gift or otherwise from other sources; Provided, The mayor and city council may, at any time, by resolution entered upon its minutes, after taking sufficient bond from the treasurer of said board of park commissioners, direct the payment to him from the park fund in the city treasury, any sum appropriated for improvement of park property during the current year, and within the park budget for that year; and such funds shall be disbursed by said treasurer, for the purposes declared in this act, upon vouchers approved by the said board of park commissioners, and said board shall enter upon its minutes the amount of each voucher approved, and to whom and on what account it is to be paid. The said treasurer shall make annual settlements with the mayor and city council for all sums so paid over to or otherwise received by him.

Income not to be anticipated; improvements.

Sec. 18. Be it further enacted, That the board of park commissioners shall keep accurate records and books of account, and shall make annually to the mayor and city council, a full and detailed report and statement of all their acts and doings, together with a complete and itemized account of all receipts and

Accounts; reports.

disbursements of money. Books of account of said board, and of all officers thereof shall, at all times, be open to the inspection and examination of the mayor and city council, or of any accountant designated by the said mayor and city council to make the examination.

Police.

Sec. 19. Be it further enacted, That the city council may, from time to time, upon application therefor, made by the board of park commissioners, provide by ordinance for special park police, the same to be under the control of the board of park commissioners.

Sec. 20. Be it further enacted, That the term "Park property," as used in this act, shall include all parks and areas of land within the management of said board of park commissioners, and all buildings, structures, improvements thereon of every kind and character whatever.

Sec. 21. Be it further enacted, That this act shall take effect from and after its passage, the public welfare requiring it.

Passed April 22, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved April 22, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 405.

HOUSE BILL No. 583.

AN ACT to authorize certain of the state officials to dispose of unused prison property, and purchase additional farming lands for the use of the state, or to exchange such unused prison property for farming lands.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the prison commissioners, the governor, attorney-general, secretary of state, and treasurer, are hereby constituted a board, and as such are authorized to sell or dispose of any real estate and prison property owned by the state and not needed for prison purposes, at such times and upon such terms as said board may deem for the best interest of the state, and said board is hereby authorized to purchase such additional farming lands adjacent to any lands now owned by the state and used for prison purposes, as they may deem for the best interest of the state. Said board is authorized to purchase such additional farming lands, upon such terms, and at such price, and to sell said unused prison property upon such terms, and at such prices, as may be deemed for the best interest for the state. And said board is authorized to exchange such prison property for such farming lands, upon such terms, either paying a difference in money, or receiving a difference in money, as may be deemed for the best interest of the state. In case the said board herein designated should sell the aforesaid property, and should deem it for the best interest of the state not to use the proceeds in the purchase of additional farming lands, then said board shall turn over the proceeds of sale to the proper state authority. Said board shall report fully its action to the next general assembly. Provided, Purchase of lands shall only be made when the board votes unanimously for said purchase.

Sec. 2. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 22, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 22, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 406.

SENATE BILL No. 480.

AN ACT to amend the fish law of Unicoi county.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the fish law of Unicoi county be, and is hereby, amended so as to require all persons fishing in any of the streams of said county from July to November, by means of baskets, shall have the space between the laths or slats of all baskets, shall not be less than one and one-half of an inch, and not more than six feet in length.

Sec. 2. That the violation of section 1 of this act shall be a misdemeanor, and on conviction of any one so offending, shall be fined not less than twenty dollars, and imprisoned in the county jail not less than ten (10) days, in the discretion of the judge trying the case.

Sec. 3. That this act shall take effect on and after its passage, the public welfare requiring it.

Passed April 22, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved April 22, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 407.

HOUSE BILL No. 981.

AN ACT to regulate the holding of primary elections of political parties in counties having a population of not less than 100,000, and not more than 110,000 inhabitants, as computed by the federal census of 1890, or which may hereafter have that number by any subsequent federal census.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That all laws now in force and applicable to the holding of general elections in this state, in counties having a population of 90,000 or over, by the federal census of 1890, shall hereafter apply and govern in the holding of all primary elections by political parties in counties having a population of not less than 100,000, and not more than 110,000 inhabitants, by the federal census of 1890, or which may hereafter have that number by any subsequent federal census, except as hereinafter provided. Election law applicable.

Sec. 2. Be it further enacted, That in all city elections in cities controlled by this act, the judges, clerks, and officers of such primary elections in each ward shall be appointed by the ward chairman representing his ward in the city executive committee of the political party holding such primary election, and in all other primary elections the judges, clerks, and officers of such election shall be appointed in each ward and district of counties controlled by this act, by the ward and district chairman representing his ward or district on the county executive committee of the political party holding such primary. Primary officers.

Sec. 3. Be it further enacted, That the executive committee of such political party shall provide a suitable ballot for each of such primary elections at least three days prior to such election, and shall distribute the same to judges of elections immediately prior to Ballot.

the opening of the polls on the day of such election, and no other ballot shall be legal or shall be counted in such election.

Sec. 4. Be it further enacted, That each candidate in such election shall be entitled to designate, in writing, one person who shall have access to the polling place, or places, while said election is being held and said votes counted.

Offenses

Sec. 5. Be it further enacted, That any judge, clerk, officer of such primary election, or any voter, or other person, who would be deemed guilty of any offense against the general election laws in a general election, who is found guilty of the same offense in any primary election as herein provided for, shall be deemed guilty of a felony, and shall, on conviction, be punished by confinement in the penitentiary for not less than one nor more than three years.

Sec. 6. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 20, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 22, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 408.

HOUSE BILL No. 820.

AN ACT to prohibit hunting with fire arms on the premises of another in Greene county, and to punish a violation of same.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That it shall be unlawful for any person or persons to hunt with fire arms upon the premises of another, without first having procured a written permission from the owner or person in control of said premises.

Sec. 2. Be it further enacted, That a violation of section 1 of this act by said person, or persons, shall be a misdemeanor, and upon conviction shall pay a fine of not less than ten nor more than twenty-five dollars for each offense, to be imposed by the court before whom the conviction is had.

Sec. 3. Be it further enacted, That the grand jury shall have inquisitorial power to investigate and indict violators of this act; and that this act take effect from and after its passage, the public welfare requiring it.

Passed April 20, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 22, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 409.

SENATE BILL No. 486.

AN ACT to make a more just and equitable distribution and apportionment of the law and criminal jurisdiction among the several circuit judges of the state, and to provide for such changes in times of holding circuit court as may be required for the convenient dispatch of business.

Claiborne
county.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That Claiborne county be, and the same is detached from the second circuit and attached to the first circuit, and that the circuit court of said county shall be held by the judge of the latter circuit on third Mondays in June, October, and February.

Scott, Fentress
Morgan.

Sec. 2. Be it further enacted, That the counties of Scott, Fentress, and Morgan be, and the same are hereby, attached to the second judicial circuit of this state, and the circuit courts of said counties shall be held by the judge of the second circuit at the following time, to-wit: Scott, second Monday in March, July, and November; Fentress, third Monday in March, July and November; Morgan, first Monday in March, July, and November.

Blount, Loudon
Roane.

Sec. 3. Be it further enacted, That the counties of Blount, Loudon, and Roane be, and the same are hereby, attached to seventeenth judicial circuit of this state, and the courts therein shall be held by the judge of said seventeenth circuit, at the following times, to-wit: Blount, second Monday in February, June, and October; Loudon, first Monday in February, June, and October; Roane, third Monday in March, July, and November.

Knox, Sevier;
clerk.

Sec. 4. Be it further enacted, That all criminal jurisdiction in Knox county, and the circuit court jurisdiction as it now exists in Sevier county, be, and the same is, conferred upon the circuit or law

of Knox county, and the judge of said court shall hold the circuit court of said counties at the following time, to-wit: Knox, third Monday in January, May, and September; Sevier, first Monday in January, May, and September. Provided, That the present clerks of the said criminal court of the district of Knox county shall continue as the clerks of the criminal branch or part of the said court, under and by virtue of this act, and who shall perform all of the duties pertaining to the criminal docket of said court, and receive the same compensation and in the same manner for the services rendered as now allowed by law.

Sec. 5. Be it further enacted, That Rhea county be, and the same is hereby, detached from the seven-^{Rhea.}teenth judicial circuit and attached to the sixth judicial circuit, and the judge of the latter circuit court shall hold the courts therein on the second Mondays in April, August, and December.

Sec. 6. Be it further enacted, That Cheatham and Hickman counties be, and the same are hereby, ^{Cheatham, Hickman, Wil-} attached to the seventh judicial circuit of this state, ^{lamson.} and the judges of said circuit shall hold the courts therein at the following times, to wit: Cheatham, second Tuesday in February and May, and first Tuesday in October; Hickman, third Monday in January, April and September. The judge of the second court of the seventh circuit shall hold the courts in Cheatham and Hickman counties. Williamson county is hereby added to the ninth judicial circuit, and the judge of said circuit will hold the circuit court of said county at the times herein provided.

Sec. 7. Be it further enacted, That the county of Dickson be, and the same is hereby, ^{Dickson.} attached to the tenth judicial circuit of this state, and the circuit courts therein shall be held by the judge of that circuit, as follows: At Dickson, third Monday in March, July, and November; at Charlotte, fourth Monday March, July, and November.

Sec. 8. Be it further enacted, That the times of holding the circuit court in Robertson county shall be ^{Robertson.} as follows, to wit: On first Mondays in February, May, and October.

CHAPTER 409.

SENATE BILL No. 486.

AN ACT to make a more just and equitable distribution and apportionment of the law and criminal jurisdiction among the several circuit judges of the state, and to provide for such changes in times of holding circuit court as may be required for the convenient dispatch of business.

Claiborne
county.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That Claiborne county be, and the same is detached from the second circuit and attached to the first circuit, and that the circuit court of said county shall be held by the judge of the latter circuit on third Mondays in June, October, and February.

Scott, Fentress
Morgan.

Sec. 2. Be it further enacted, That the counties of Scott, Fentress, and Morgan be, and the same are hereby, attached to the second judicial circuit of this state, and the circuit courts of said counties shall be held by the judge of the second circuit at the following time, to-wit: Scott, second Monday in March, July, and November; Fentress, third Monday in March, July and November; Morgan, first Monday in March, July, and November.

Blount, Loudon
Roane.

Sec. 3. Be it further enacted, That the counties of Blount, Loudon, and Roane be, and the same are hereby, attached to seventeenth judicial circuit of this state, and the courts therein shall be held by the judge of said seventeenth circuit, at the following times, to-wit: Blount, second Monday in February, June, and October; Loudon, first Monday in February, June, and October; Roane, third Monday March, July, and November.

Knox, Sevier;
clerk.

Sec. 4. Be it further enacted, That all criminal jurisdiction in Knox county, and the circuit or jurisdiction as it now exists in Sevier county, be, the same is, conferred upon the circuit or law

ty, and the judge of said court shall
t court of said counties at the following
Knox, third Monday in January, May,
r: Sevier, first Monday in January,
tember. Provided, That the present
said criminal court of the district of
hall continue as the clerks of the crim-
part of the said court, under and by
act, and who shall perform all of the
ag to the criminal docket of said court,
e same compensation and in the same
e services rendered as now allowed by

it further enacted, That Rhea county
ne is hereby, detached from the seven- ^{Rhea.}
circuit and attached to the sixth judi-
d the judge of the latter circuit court
courts therein on the second Mondays
st, and December.

it further enacted, That Cheatham
counties be, and the same are hereby <sup>Cheatham,
Hickman, Wil-
Hamson.</sup>
e seventh judicial circuit of this state,
e of said circuit shall hold the courts
following times, to wit: Cheatham,
7 in February and May, and first Tues-
; Hickman, third Monday in January,
ember. The judge of the second court
circuit shall hold the courts in Cheat-
man counties. Williamson county is
to the ninth judicial circuit, and the
rcuit will hold the circuit court of said
imes herein provided.

t further enacted, That the county of
d the same is hereby, attached to the ^{Dickson.}
circuit of this state, and the circuit
shall be held by the judge of that cir-
: At Dickson, third Monday in March,
ember; at Charlotte, fourth Monday
7, and November.

t further enacted, That the times of
nit court in Robertson county shall be ^{Robertson.}
wit: On first Mondays in February,
ober.

CHAPTER 409.

SENATE BILL No. 486.

AN ACT to make a more just and equitable distribution and apportionment of the law and criminal jurisdiction among the several circuit judges of the state, and to provide for such changes in times of holding circuit court as may be required for the convenient dispatch of business.

Claiborne
county.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That Claiborne county be, and the same is detached from the second circuit and attached to the first circuit, and that the circuit court of said county shall be held by the judge of the latter circuit on third Mondays in June, October, and February.

Scott, Fentress
Morgan.

Sec. 2. Be it further enacted, That the counties of Scott, Fentress, and Morgan be, and the same are hereby, attached to the second judicial circuit of this state, and the circuit courts of said counties shall be held by the judge of the second circuit at the following time, to-wit: Scott, second Monday in March, July, and November; Fentress, third Monday in March, July and November; Morgan, first Monday in March, July, and November.

Blount, Loudon
Roane.

Sec. 3. Be it further enacted, That the counties of Blount, Loudon, and Roane be, and the same are hereby, attached to seventeenth judicial circuit of this state, and the courts therein shall be held by the judge of said seventeenth circuit, at the following times, to-wit: Blount, second Monday in February, June, and October; Loudon, first Monday in February, June, and October; Roane, third Monday in March, July, and November.

Knox, Sevier;
clerk.

Sec. 4. Be it further enacted, That all criminal jurisdiction in Knox county, and the circuit court jurisdiction as it now exists in Sevier county, be, and the same is, conferred upon the circuit or law co^r

of Knox county, and the judge of said court shall hold the circuit court of said counties at the following time, to-wit: Knox, third Monday in January, May, and September; Sevier, first Monday in January, May, and September. Provided, That the present clerks of the said criminal court of the district of Knox county shall continue as the clerks of the criminal branch or part of the said court, under and by virtue of this act, and who shall perform all of the duties pertaining to the criminal docket of said court, and receive the same compensation and in the same manner for the services rendered as now allowed by law.

Sec. 5. Be it further enacted, That Rhea county be, and the same is hereby, detached from the seven-^{Rhea.}teenth judicial circuit and attached to the sixth judicial circuit, and the judge of the latter circuit court shall hold the courts therein on the second Mondays in April, August, and December.

Sec. 6. Be it further enacted, That Cheatham and Hickman counties be, and the same are hereby, ^{Cheatham, Hickman, Williamson.} attached to the seventh judicial circuit of this state, and the judges of said circuit shall hold the courts therein at the following times, to wit: Cheatham, second Tuesday in February and May, and first Tuesday in October; Hickman, third Monday in January, April and September. The judge of the second court of the seventh circuit shall hold the courts in Cheatham and Hickman counties. Williamson county is hereby added to the ninth judicial circuit, and the judge of said circuit will hold the circuit court of said county at the times herein provided.

Sec. 7. Be it further enacted, That the county of Dickson be, and the same is hereby, ^{Dickson.} attached to the tenth judicial circuit of this state, and the circuit courts therein shall be held by the judge of that circuit, as follows: At Dickson, third Monday in March, July, and November; at Charlotte, fourth Monday in March, July, and November.

Sec. 8. Be it further enacted, That the times of holding the circuit court in Robertson county shall be ^{Robertson.} as follows, to wit: On first Mondays in February, June, and October.

cial circuit shall be held at the following times: Chester, third Monday in February, June, and October. McNairy, fourth Mondays in February, June, and October. Henderson, second Monday in March, July, and November. Perry, first Monday in January, May, and September. Decatur, second Monday in January, May, and September. Madison (with civil jurisdiction only), third Mondays in January, May, and September. The circuit court in the several counties composing the eighteenth judicial circuit shall be held at the following times: Carroll, third Monday in January, May, and September. Haywood, first Monday in February, June, and October. Crockett, third Monday in February, June, and October. Gibson, at Trenton, first Monday in March, July, and December. Gibson, at Humboldt, first Monday in April, August, and November. Madison (with criminal jurisdiction only), fourth Mondays in April, August, and December. Courts in 18th circuit, terms.

Sec. 11. Be it further enacted, That the county of Benton be, and the same is hereby, detached from the eleventh judicial circuit, and is hereby attached to and made a part of the twelfth judicial circuit, and the circuit courts of said county of Benton shall be held by the judge of the twelfth judicial circuit on the first Monday in April, August, and December.

Sec. 12. The times for holding the circuit courts in the ninth judicial circuit shall be as follows: Maury, first Mondays in January, May, and September. Giles county, fourth Mondays in March, July, and November. Lawrence county, third Mondays in March, July, and November. Wayne county, first Mondays in March, July, and November. Hardin county, second Monday in February, June, and October. Lewis county, fourth Mondays in February, June, and October. Williamson, first Mondays in April, August, and December. Courts in 9th circuit, terms.

Sec. 13. Be it further enacted, That no case, proceeding, or process shall abate by reason of any of the changes hereinbefore made, and that when the time for holding courts have changed by this act, the first term thereof, after this act shall go into effect, shall be held upon the time hereinbefore fixed by law, and Process.

process will be made returnable accordingly, and thereafter upon the dates fixed by this statute.

Sec. 14. Be it further enacted, That all laws and parts of laws in conflict with this act be, and the same are hereby, repealed.

Sec. 15. Be it further enacted, That this act take effect thirty days after the final adjournment of the present general assembly, the public welfare requiring it.

Passed April 18, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved April 19, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 410.

HOUSE BILL No. 234.

AN ACT to amend an act entitled "An act to establish and maintain a uniform system of public schools," the same being chapter 25 of the act passed March 6, 1873, approved March 6, 1873; also to amend an act amending this act, passed February 12, 1897, and approved February 15, 1897, the same being chapter 85 of the acts of the general assembly of the State of Tennessee for the year 1897.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That section 9, chapter 25 of the acts of the general assembly, passed March 1873, be, and the same is, so amended as to read as article 7 of said section 9, and that chapter 85 of the Acts of 1897, passed on the 12th day of February 1897, and approved on the 15th day of February 1897, and section 1 thereof be, and the same is amended, as to read as follows; Provided further.

in all cases, where the district directors of the public schools issue warrants upon the county trustees for school apparatus, maps, charts, globes, school furniture and all other expenditures of the public school funds, except teachers' salaries, the warrants so drawn by said directors shall be countersigned by the county superintendents, and all issued by said directors for any claim, shall be written and signed in ink.

Sec. 2. Be it further enacted, That it shall be the duty of the county superintendent to keep a well bound book, in which he shall enter a memorandum of all warrants countersigned, as provided in section 1 of this act, showing the amount and date of each warrant, to whom issued, for what purpose, and from which district, and said county superintendent shall include in his annual report to the county court, a full, clear and succinct statement of all warrants so countersigned by him.

Sec. 3. Be it further enacted, That all laws and parts of laws in conflict with this act be, and the same are hereby, repealed.

Sec. 4. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 22, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 22, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 411.

SENATE BILL No. 544.

AN ACT to provide for the filing in the office of the register, in Hamilton county, Tennessee, the official maps of the Western & Atlantic Railroad, and for giving to such maps, when so filed, all the force and effect of a record of deeds to lands.

Whereas, The State of Georgia has caused to be made an official survey of the right of way and properties of the Western & Atlantic Railroad, from its initial point in the city of Atlanta, Ga., to its terminal, in the city of Chattanooga, Tennessee; and,

Whereas, maps of such survey have, by direction of the general assembly of the State of Georgia, been filed in the office of the clerk of the superior court in each of the counties through which said railroad runs, and said maps so filed have been declared to be official maps of the Western & Atlantic Railroad, certified copies thereof to be admissible in any of the courts of the State of Georgia as prima facie evidence, and such maps so filed to constitute constructive notice of their contents, and in all respects to have the force and effect given by law to the record of deeds to lands; said surveys having been made, and said maps having been filed pursuant to an act of the general assembly of the State of Georgia, approved December 16, 1895; and,

Whereas, The general assembly of the State of Georgia, by a joint resolution, approved December 23, 1896, has requested the general assembly of the State of Tennessee to enact appropriate legislation authorizing tracings or duplicate copies of such official maps as pertain to rights of way and properties of Western and Atlantic Railroad lying in the county of Hamilton, Tennessee, to be filed in the office of the register of said county of Hamilton, after said maps have been approved by the governor of Georgia, indorsed by him as official, and to give to such

when so filed the quality of constructive notice of admissibility in evidence in the courts of Tennessee as prima facie true and correct, together with such other qualities, force, and effect as are given by the laws of Tennessee to the record of deeds to lands;

Be it therefore enacted by the General Assembly of the State of Tennessee, That duplicate copies or tracings of so much of said official maps as pertain to rights of way of the Western and Atlantic Railroad lying in the county of Hamilton, Tennessee, be authorized to be filed in the office of the register of said county of Hamilton, after said maps have been approved by the governor of Georgia and indorsed by him as official; and that such maps, when so filed, shall have the quality of constructive notice, shall be admitted as evidence in any of the courts of Tennessee as prima facie true and correct, and shall have such other qualities, force, and effect as are given by the laws of the State of Tennessee to the records of deeds to lands.

Passed April 24, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved April 24, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 412.

HOUSE BILL No. 958.

ACT to create a new school district out of parts of Overton and Clay counties, to be known as the Fairview School District.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That a new school district, to be known as the Fairview School District, be, and the same is hereby, created out of parts of Overton

and Clay counties, and shall include the farms of the following named parties, to wit: W. L. Mainard, K. Smith, W. Chilton, Jr., J. P. Buck, L. H. Garrett, John Dubree, Ferd Dubree, McKyle, John Robbins, T. P. Smith, A. W. Upton, J. J. Upton, T. W. Upton, Marguerite Cowan, A. Gibson, Louis Upton, Ada Smith, F. Peterman, John Burres, J. F. Howard, S. A. Maxwell, H. Carmack, W. O. Price, and Wm. Davis.

Sec. 2. Be it further enacted, That the school district created by this act shall have all emoluments, rights, and privileges, and be governed by the same laws and rules that regulate and govern other school districts in Overton county.

Sec. 3. Be it further enacted, That there shall be a board of three directors elected from the fractional parts of each county comprising said school district, and shall act in an associated capacity in the government of said school district; Provided, That each county comprising said district shall pay, upon the warrants of its respective directors, each year, the amount per capita due its fractional part of said district, and said district shall be included as being in Overton county; Provided further, That nothing in this act shall be so construed as to prevent the county superintendent of Overton county from appointing the directors for said district to hold their positions until next regular election.

Sec. 4. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 24, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 24, 1899.

BENTON McMILLIN,
Governor

CHAPTER 413.

HOUSE BILL No. 954.

AN ACT to change the line between Moore and Bedford counties so as to include all the lands of J. N. Sullivan in Bedford county.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the line between Moore and Bedford counties be so changed as to include all the lands of J. N. Sullivan in Bedford county.

Sec. 2. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 24, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 24, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 414.

HOUSE BILL No. 952.

AN ACT to redistrict Marion county, and reduce the number of civil districts from sixteen to four civil districts, and define the boundaries thereof.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That Marion county shall be redistricted and laid off into four civil districts as hereinafter provided.

Sec. 2. Be it further enacted, That district number one shall embrace the territory heretofore embraced

in the boundary of the old districts numbers eight, thirteen, six, and three; that district number two shall embrace the territory heretofore embraced in the boundary of the old districts numbers fourteen, sixteen, and eleven; that district number three shall embrace the territory heretofore embraced within the boundary of the old districts numbers nine, twelve, ten, one, and two; that district number four shall embrace the territory heretofore embraced within the boundary of the old districts numbers seven, four, fifteen, and five.

Sec. 3. Be it further enacted, That the county court of said county shall provide and designate a proper number of precincts or voting places in said districts so as to suit the convenience of the voters.

Sec. 4. Be it further enacted, That the justices of the peace and constables be elected in the said districts above fixed at the expiration of the terms of offices of said officers in the old districts as now provided by law, and that the said districts as herein provided shall remain unchanged except by act of the legislature.

Sec. 5. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 22, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 22, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 415.

HOUSE BILL No. 1023.

AN ACT to protect fish in the county of Wilson.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That it shall be unlawful for any person to take, catch, kill, or capture fish in any stream in the county of Wilson without the written consent of the owner or owners of the land or lands on both sides of the stream opposite the point where such taking, catching, killing, or capturing may be done.

Sec. 2. Be it further enacted, That it shall be unlawful for any person to take, catch, kill, or capture fish in any stream in said county, either with or without the consent of the land owner or owners, between the first day of February and the first day of May of any year except with hook and line.

Sec. 3. And that every person violating the provisions of either the first or the second section of this act shall be deemed guilty of a misdemeanor, and, upon conviction, shall be punished with a fine of not less than \$10 and not more than \$25 for each offense, one-half of the fine to go to the prosecutor and the residue to the county school fund; Provided, That the provisions of this act do not apply to Cumberland River.

Sec. 4. That the grand jury of said county shall have inquisitorial authority as to all violations of this act, and, upon probable cause, shall make presentment without a prosecutor; and that the judge exercising criminal jurisdiction in said county shall give a special act in charge to the grand jury at every term of the court.

Sec. 5. That this act take effect from and after its passage, the public welfare requiring it.

Passed April 22, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SELD WADDELL,
Speaker of the Senate.

Approved April 22, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 416.

HOUSE BILL No. 912.

AN ACT to amend section 29, chapter 125, Acts of 1897, for the management of the penitentiary, so as to permit the board of prison commissioners to contract for the manufacture of coal into coke under certain conditions.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That section 29, chapter 125, acts of the fiftieth general assembly, be so amended as to authorize and empower the board of prison commissioners, and they are hereby authorized and empowered, to contract with any person, firm, or corporation for the manufacture of coke from coal mined at the state coal mines at Brushy Mountain, upon such terms, conditions, and restrictions as may be agreed upon between said board of prison commissioners and any such person, firm, or corporation for a term not exceeding twelve years; Provided, That no such contract shall be effective binding until the same, together with satisfactory bond and security, shall be approved by the governor and attorney-general of the state.

Sec. 2. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 22, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 22, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 417.

SENATE BILL No. 647.

AN ACT to authorize Franklin county to issue bonds for the purpose of building and constructing roads.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the county of Franklin, through three or five commissioners, appointed under and by virtue of chapter 211 of the Acts of 1891, who shall give bond to be fixed by the county court, and to be selected and appointed by the county court at its quarterly term, be, and is hereby, authorized and empowered to issue bonds of the county for the purpose of laying out, constructing, and building public roads in said county, the amount of \$100,000, bearing interest at a rate not to exceed six per cent. per annum, payable semiannually, in good lawful money of the United States. Said bonds to be due and payable in twenty years from the date of issuance; Provided, A majority of the qualified voters of said county who vote in an election to be called and

Commissioners; election as to issuance.

held by the three commissioners above mentioned vote for the issuance of said bonds.

Denomination;
coupons, etc.

Sec. 2. Be it further enacted, That said bonds shall be signed by the judge of the county court of Franklin county, Tennessee, and countersigned by the clerk of said county court, with his official seal affixed to the same, and to be in the denominations of five hundred and one thousand dollars each, and shall be numbered in the order of issuance beginning with one. Said bonds shall have attached coupons representing the interest, and said coupons shall show on their face the number and denomination of the bond to which they are attached, and shall be signed in the same manner as the bonds to which they are attached.

Interest and
sinking fund
tax.

Sec. 3. Be it further enacted, That it shall be the duty of the county court annually to levy a tax on the taxable property and privileges of said county for the purpose of paying the interest on said bonds, and for the purpose of creating a sinking fund to pay said bonds when due. And the trustee shall elect and account for said tax, and receive the same compensation as he is allowed by law for collecting county taxes.

Powers of com-
missioners.

Sec. 4. Be it further enacted, That the three commissioners selected by the county court be, and they are vested with absolute authority to have said bonds issued and dispose of the same, but not for less than par value; to pay the money into the county treasury, to construct, build, and make roads in said county to the extent of the money realized from the sale of said bonds. That said commissioners shall have authority to draw orders on the county treasurer for any sum needed by them in constructing and building said public roads, to the extent of the money realized from the sale of said bonds; Provided, Said orders are signed by at least two of said commissioners, written with ink, and show upon their face for what they were given.

Report quar-
terly.

Sec. 5. Be it further enacted, That said commissioners shall make a report to the county court each quarterly court term of said court showing the work done, the amount of money used, and the condition of affairs of their office—which said report shall be signed by the commissioners and spread in the minutes of the county court of said county.

Sec. 6. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 22, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved April 22, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 418.

HOUSE BILL No. 778.

AN ACT to amend chapter 3 of the published Acts of 1887, being an act approved February 17, 1887, entitled "An act to enable counties and incorporated cities and towns to subscribe to the capital stock of any railroad company incorporated under the general laws of this state in the mode prescribed therein, and to provide for the payment of such subscriptions," so as to provide that the counties of Sullivan, Hawkins, and Grainger may issue bonds authorized under the 12th section of this act payable not more than forty (40) years after date, and in lawful money of the United States.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That section twelve of chapter 3 of the published Acts of 1887, being the act approved February 17, 1887, entitled "An act to enable counties and incorporated cities and towns to subscribe to the capital stock of any railroad company incorporated under the general laws of this state in the mode prescribed therein, and to provide for the payment of such subscriptions," said section now providing that bonds issued under said act of February 17, 1887, shall be payable not more than twenty years after date, be, and the same hereby is, amended

so as to provide that such bonds shall be payable not more than forty years after date, and that the word "twenty" in the sixth line of the twelfth section of said act of February 17, 1887, as now published, be, and is hereby, stricken out, and the word "forty" inserted in place thereof.

Sec. 2. Be it further enacted, That the provisions of this act shall apply only to the counties of Sullivan, Hawkins, and Grainger.

Sec. 3. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 20, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 24, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 419.

HOUSE BILL No. 805.

AN ACT authorizing Sevier county to establish and maintain free ferries.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the county of Sevier, through its quarterly county court, is hereby authorized and empowered, at such place or places as they may deem to the best interest of the public, at any or all points where a ferry is now, or may hereafter be established across any stream or streams running through said county, to purchase all boats and their necessary equipments and employ such labor as may be required to transport all persons, together with their effects, across such streams. Said ferries shall be free to all persons applying for transportation. The cost of establishing and maintaining free ferr

under this act shall be paid by the county, upon a warrant drawn upon the trustee of said county by the chairman of the county court, and shall be paid by the trustee out of funds collected for general county purposes. The quarterly county court of Sevier county is hereby authorized to appropriate so much of the general county funds as may be necessary to defray the expenses of ferries established under this act; Provided, That nothing in this act shall have the effect of taking away the right of bank owners to keep such ferries as now provided by statutes.

Sec. 2. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 22, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 24, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 420.

HOUSE BILL No. 798.

AN ACT to amend an act passed February 9, 1897, and approved February 12, 1897, being chapter 191 of the Acts of 1897, entitled "An act for the protection of game in Warren county."

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That section 1 of an act passed February 9, 1897, and approved February 12, 1897, entitled an act for the protection of game in Warren county, be, and the same is hereby, so amended as to read, that it shall be unlawful for any person to hunt and kill quail, pheasants, partridges, grouse, wild turkeys, wild ducks, or deer in Warren

county between the first day of February and the first day of November of each year.

Sec. 2. Be it further enacted, That the second section of said act, passed February 9, 1897, and approved February 12, 1897, entitled an act for the protection of game in Warren county, be, and the same is hereby, so amended as to read six years instead of three years, in the last line of said section.

Sec. 3. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby, repealed, in so far as applies to Warren county.

Sec. 4. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 22, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 24, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 421.

HOUSE BILL No. 1021.

AN ACT to change the line between Marshall and
and Maury counties.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the line between counties of Marshall and Maury be so changed to include the entire farm of Erwin Purdom, S Purdom, and Mariah Hardison in the county of h shall.

Sec. 2. Be it further enacted, That all laws parts of laws in conflict with this act are here^t

pealed, and that this act take effect from and after its passage, the public welfare requiring it.

Passed April 22, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 24, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 422.

HOUSE BILL No. 564.

AN ACT to amend an act, entitled, "An act to extend the corporate limits of Nashville," passed April 2, 1889, chapter 205, so as to include Sevier street from Tenth street to Fourteenth street, and lots Nos. 195 and 196, in Payne, Blakemore, and Cummings' addition within the corporate limits.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That section 1. of an act entitled, "An act to extend the corporate limits of Nashville," passed April 2, 1889, and being chapter 205 of the Acts of 1889, be, and the same is hereby, amended so as to include Sevier street from Tenth to Fourteenth streets, and lots Nos. 195 and 196, in Payne, Blakemore, and Cummings addition, in the corporate limits of the mayor and city council of Nashville.

Sec. 2. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 24, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 24, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 423.

HOUSE BILL No. 915.

AN ACT to prevent horses, mules, cattle, sheep, swine, and goats from running at large in Lauderdale county, declaring a lien for damages done, and providing how said lien shall be enforced.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That it shall be unlawful for any person or persons owning horses, mules, cattle, sheep, swine, and goats wilfully or knowingly to permit said stock to run at large in Lauderdale county.

Sec. 2. Be it further enacted, That all persons damaged by stock running at large shall have a lien upon said stock for the satisfaction of said damages, which lien shall be enforced by attachment or execution at law levied upon said stock. And any person or persons damaged by stock shall be vested with the right to take up and hold said stock for damages sustained when the same is found upon the lands of said person or persons.

Sec. 3. Be it further enacted, That this act take effect from and after the first day of November, 1899, and shall apply in its operations only to the county of Lauderdale, the public welfare requiring it.

Passed April 17, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives

SEID WADDELL,
Speaker of the Senate.

Becomes a law without the signature of the governor, the bill having been in the governor's hands more than five days.

REAU E. FOLK,
Clerk House of Representatives

CHAPTER 424.

HOUSE BILL No. 280.

AN ACT to amend an act passed March 24, 1897, and approved March 26, 1897, entitled, "An act to reorganize the state board of health of the State of Tennessee."

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That section 1 of an act passed March 24, 1897, and approved March 26, 1897, entitled, "An act to reorganize the state board of health of the State of Tennessee," be, and the same is hereby, amended by adding at the end thereof the following: The live stock representative on said board shall not receive any per diem for his services, but shall receive such salary per month, not to exceed one hundred and twenty-five (\$125) dollars per month, as may be appropriated to him by a quorum of the said state board of health, exclusive of said live stock representative, who shall have no vote in the appropriation of said salary. He shall have and exercise all such authority in the live stock department as may be given him by the board acting within the bounds of its legal authority.

Sec. 2. Be it further enacted, That all laws or parts of laws in conflict with this act be, and the same are hereby, repealed, and that this act take effect from and after its passage, the public welfare requiring it.

Passed April 21, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 24, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 425.

HOUSE BILL No. 808.

AN ACT to be entitled, "An act to amend an act entitled, 'An act for the benefit of the indigent and disabled soldiers of the late war between the states, and to fix the fees of attorneys or agents for procuring such pensions, and fixing a penalty for the violation of the same,' " and being chapter 64, Acts of 1891.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That two hundred thousand dollars (or one hundred thousand dollars per year), or as much thereof as may be necessary, be, and is hereby, appropriated for pensions for old soldiers coming under the disabilities and requirements of chapter 64, Acts of 1891.

Sec. 2. Be it further enacted, That \$25 be stricken out of the fifth line of subsection 1 of section 3, and \$15 be inserted in lieu thereof.

Sec. 3. Be it further enacted, That \$10 be stricken out of the fourth line of section 7, and \$1 be inserted in lieu thereof.

Sec. 4. Be it further enacted, That the secretary of the board of pension examiners be, and he is hereby, directed where there exists a doubt as to the worthiness of a pensioner, or where charges have been preferred by reputable persons, to visit the pensioner and to fully investigate his condition, both physical and financial, and to submit a report of his said investigation to the board.

Sec. 5. Be it further enacted, That the secretary shall receive no additional compensation for the investigations provided for in section 4, but his actual expenses shall be paid by a warrant of the comptroller drawn against the pension appropriation on his sworn statement of his expenses.

Sec. 6. Be it further enacted, That hereafter the board of pension examiners shall have power

the consent of the trustees of the confederate soldiers' home, in case of applicants having no families, to allow them a support in the confederate soldiers' home in lieu of a pension; Provided, however, That all such applicants for pension who are, with the exception of the disability or disabilities for which they are entitled to a pension, able-bodied men, in reasonably fair health for men of their age, shall, if they so elect, have a pension instead of a support in said confederate soldiers' home.

Sec. 7. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 22, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 22, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 426.

HOUSE BILL No. 979.

AN ACT to amend section 3, chapter 123, page 266, of the Acts of 1891, being "An act to establish county workhouses; to provide for working misdemeanor and other convicts sentenced to such workhouses; to declare county jails workhouses in such counties as have no separate workhouse; to provide for commissioners and a superintendent and other subordinates for workhouses, and to define their duties."

Be it enacted by the General Assembly of the State Tennessee, That sections 3 and 4, chapter 123, passed March 27, 1891, and approved March 30, 1891, so amended as to provide that when any county established a separate workhouse, or the jail in

any county has been declared a workhouse, the quarterly court thereof shall elect five competent persons, who shall be known as the board of workhouse commissioners, and no county judge shall be a member of, or constitute any part of, or have any voice in, said workhouse commission.

Be it further enacted, That that extra member of the workhouse commission, as provided in the foregoing section, shall be chosen as other members of workhouse commissioners are now chosen at the succeeding quarterly county court of the counties wherein this act applies, his term of office to be the same as provided by law.

Be it further enacted, That this amended act shall apply to counties having a population of fifty thousand, and not more than fifty-five thousand, according to the last federal census, or any subsequent federal census.

Be it further enacted, That all acts or parts of acts, or laws contrary or inconsistent with the provisions of this act be, and the same are hereby, repealed.

Be it further enacted, That this act take effect from and on its passage, the public welfare requiring it.

Passed April 22, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives

SEID WADDELL,
Speaker of the Senate.

Approved April 22, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 427.

HOUSE BILL No. 770.

AN ACT to divide the State of Tennessee into judicial circuits and chancery divisions, and provide for the administration of justice and equity in the circuit and chancery and other inferior courts of this state, and to fix the time for holding the terms of said chancery, circuit, and other courts.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That for the administration of justice the State of Tennessee is hereby divided and constituted into judicial circuits and chancery divisions and special criminal court circuits, as hereinafter ordained and established, as follows:

JUDICIAL CIRCUITS.

1. The first judicial circuit shall comprise the following counties: Johnson, Carter, Sullivan, Washington, Unicoi, Greene, Hawkins, Hancock, and Claiborne.

2. The second judicial circuit shall comprise the following counties: Jefferson, Sevier, Grainger, Hamblen, Cocke, Morgan, Scott, Campbell, Anderson, Union, and Fentress.

3. The third judicial circuit shall comprise the following county: Knox.

4. The fourth judicial circuit shall comprise the following counties: Bradley, Polk, Meigs, McMinn, James, Loudon, Roane, Blount, and Monroe.

5. The fifth judicial circuit shall comprise the following counties: Pickett, Cumberland, Putnam, Overton, Clay, Jackson, Smith, Trousdale, White, and Macon.

6. The sixth judicial circuit shall comprise the following counties: Franklin, Sequatchie, Marion, and Hamilton.

7. The seventh judicial circuit shall comprise the following counties: Van Buren, Grundy, Coffee, Warren, Moore, DeKalb, Bledsoe, Rhea, and Lincoln.

8. The eighth judicial circuit shall comprise the following counties: Wilson, Rutherford, Bedford, Marshall, Cannon, and Williamson.

9. The ninth judicial circuit shall comprise the following counties: Robertson, Montgomery, Stewart, Houston, Humphreys, Cheatham, Dickson, and Sumner.

10. The tenth judicial circuit shall comprise the following county: Davidson.

11. The eleventh judicial circuit shall comprise the following counties: Maury, Giles, Lawrence, Wayne, Lewis, Perry, and Hickman.

12. The twelfth judicial circuit shall comprise the following counties: Hardeman, McNairy, Hardin, Chester, Henderson, Decatur, and Madison.

13. The thirteenth judicial circuit shall comprise the following counties: Crockett, Haywood, Benton, Carroll, Henry, and Gibson.

14. The fourteenth judicial circuit shall comprise the following counties: Obion, Lake, Dyer, Lauderdale, Tipton, Fayette, and Weakley.

CRIMINAL COURTS.

No. 1. There shall be a special criminal court for Davidson county, to be styled the Davidson county criminal court, with jurisdiction of all criminal cases arising in said county.

No. 2. There shall be a special criminal court for Shelby county, to be known as the Shelby county criminal court, with jurisdiction of all criminal cases arising in said county.

CHANCERY DIVISIONS.

Sec. 2. Be it further enacted, That the first chancery division shall comprise the following counties

1. Johnson, Carter, Sullivan, Washington, Uni

Greene, Hawkins, Hancock, Claiborne, Grainger, Hamblen, and Cocke.

2. The second chancery division shall comprise the following counties: Sevier, Blount, Loudon, Campbell, Anderson, Roane, Morgan, Scott, Union, Fentress, and Jefferson.

3. The third chancery division shall comprise the following counties: Franklin, Rhea, Bradley, James, Marion, Coffee, Bledsoe, Sequatchie, Grundy, McMinn, Moore, Warren, Monroe, Polk, Meigs, and Hamilton.

4. The fourth chancery division shall comprise the following counties: Cumberland, Pickett, Overton, Clay, Jackson, Putnam, White, DeKalb, Smith, Macon, Van Buren, Cannon, and Trousdale.

5. The fifth chancery division shall comprise the following counties: Rutherford, Bedford, Marshall, Williamson, Lincoln, Lawrence, Maury, Giles, Lewis, and Wayne.

6. The sixth chancery division shall comprise the following counties: Sumner, Robertson, Cheatham, Montgomery, Stewart, Houston, Dickson, Humphreys, Hickman, and Wilson.

7. The seventh chancery division shall comprise the following county: Davidson.

8. The eighth chancery division shall comprise the following counties: Decatur, Hardin, Chester, Benton, McNairy, Crockett, Henderson, Carroll, Henry, Madison, and Perry.

9. The ninth chancery division shall comprise the following counties: Dyer, Obion, Lake, Weakley, Gibson, Lauderdale, Fayette, Haywood, Tipton, and Hardeman.

10. The tenth chancery division shall comprise the following county: Shelby.

TIMES AND PLACES OF HOLDING CIRCUIT AND CRIMINAL COURTS.

Sec. 3. Be it further enacted, That the circuit and criminal courts shall be held at the following times and places:

First Judicial Circuit.

Johnson—First Monday in January, May, and September.

Carter—Second Monday in January, May, and September.

Sullivan—At Bristol, third Monday in January, May, and September. At Blountville, fourth Monday in January, May, and September.

Washington—At Jonesboro, first Monday in February, June, and October. At Johnson City, second Monday in February, June, and October.

Unicoi—Third Monday in February, June, and October.

Greene—Fourth Monday in February, June, and October.

Hawkins—Second Monday in March, July, and November.

Hancock—Third Monday in March, July, and November.

Claiborne—Fourth Monday in March, July, and November.

Second Judicial Circuit.

Jefferson—At Dandridge, first Monday in January, May, and September. At Newmarket, second Monday in January, May, and September.

Sevier—Third Monday in January, May, and September.

Grainger—First Monday in February, June, and October.

Hamblen—Second Monday in February, June, and October.

Cocke—Third Monday in February, June, and October.

Morgan—Fourth Monday in February, June, and October.

Scott—First Monday in March, July, and November.

Campbell—Second Monday in March, July, and November.

Anderson—Third Monday in March, July, and November.

Union—First Monday in April, August, and December.

Fentress—Second Monday in April, August, and December.

Third Judicial Circuit.

Knox—First Monday in January, May, and September.

Fourth Judicial Circuit.

Bradley—First Monday in January, May, and September.

Polk—Third Monday in January, May, and September.

Meigs—Fourth Monday in January, May, and September.

McMinn—First Monday in February, June, and October.

James—Fourth Monday in February, June, and October.

Loudon—First Monday in March, July, and November.

Roane—Third Monday in March, July, and November.

Blount—First Monday in April, August, and December.

Monroe—Third Monday in April, August, and December.

Fifth Judicial Circuit.

Pickett—Second Monday in April and October.

Cumberland—Fourth Monday in April and October.

Putnam—First Tuesday after first Monday in January, May, and September.

Overton—First Monday in February, June, and October.

Clay—Fourth Monday in February and third Monday in June and October.

Jackson—First Monday in March, July, and November.

Smith—Fourth Monday in March, July, and November.

Trousdale—Second Monday after fourth Monday in March, July and November.

White—Third Monday in January, May, and September.

Macon—First Wednesday after second Monday in March, and third Monday in July and November.

Sixth Judicial Circuit.

Franklin—First Monday in April, August, and December.

Sequatchie—Fourth Monday in March, July, and November.

Marion—Third Monday in April, second Monday in July, and third Monday in December.

Hamilton—First Monday in January, May, and September.

Seventh Judicial Circuit.

Van Buren—Fourth Monday in April and October.

Grundy—Tuesday after fourth Monday in March, July, and November.

Coffee—Tuesday after first Monday in January, May, and September.

Warren—Thursday after second Monday in January and May, and third Monday in September.

Moore—Tuesday after first Monday in February, June, and October.

DeKalb—Second Monday in March, July, and November.

Bledsoe—First Monday in April, August, and December.

Rhea—Second Monday in April, August, and October.

Lincoln—Tuesday after second Monday in February, June, and October.

Eighth Judicial Circuit.

Wilson—Second Monday in January, May, and September.

Rutherford—Third Monday in February, June, and October.

Bedford—Tuesday after first Monday in April, August, and December.

Marshall—Tuesday after third Monday in March, July, and November.

Cannon—First Monday in February, June, and October.

Williamson—Third Monday in December, April, and August.

Ninth Judicial Circuit.

Sumner—Second Monday in February, June, and October.

Robertson—Fourth Monday in January, May, and September.

Montgomery—First Monday in March, July, and November.

Stewart—First Monday in April, August, and December.

Houston—Third Monday in April, August, and December.

Humphreys—First Monday in January, May, and September.

Cheatham—Second Monday in January, May, and September.

Dickson—Third Monday in January, May, and September.

Tenth Judicial Circuit.

Davidson—First Monday in January, May, and September.

Eleventh Judicial Circuit.

Maury—Second Monday in January, May, and September.

Giles—Second Monday in April, August, and December.

Lawrence—Fourth Monday in March, July, and November.

Wayne—Third Monday in March, July, and November.

Lewis—Fourth Monday in February, July, and October.

Perry—First Monday in January, May, and September.

Hickman—First Monday in March, July, and November.

Twelfth Judicial Circuit.

Hardeman—First Monday in January, May, and September.

McNairy—Third Monday in January, May, and September.

Hardin—Fourth Monday in January, May, and September.

Chester—First Monday in February, June, and October.

Henderson—Third Monday in February, June, and October.

Decatur—First Monday in March, July, and November.

Madison—Second Monday in March, July, and November.

Thirteenth Judicial Circuit.

Crockett—Third Monday in January, May, and September.

Haywood—Fourth Monday in January, May, and September.

Benton—Second Monday in February, June, and October.

Carroll—Fourth Monday in February, June, and October.

Henry—Second Monday in March, July, and November.

Gibson—At Trenton, first Monday in April, August, and December. At Humboldt, fourth Monday in April, August, and December.

Fourteenth Judicial Circuit.

Obion—First Monday in January, May, and September.

Lake—Fourth Monday in January, May, and September.

Dyer—First Monday in February, June, and October.

Lauderdale—Third Monday in February, June, and October.

Tipton—First Monday in March, July, and November.

Fayette—Third Monday in March, July, and November.

Weakley—First Monday in April, August, and December.

DAVIDSON COUNTY CRIMINAL COURT.

First Monday in January, June, and November.

SHELBY COUNTY CRIMINAL COURT.

First Monday in January, June, and November.

Sec. 4. Be it further enacted, That the chancery courts of this state shall be held at the following times and places:

TIMES FOR HOLDING CHANCERY COURTS

First Chancery Division.

Johnson—First Monday in February and August.

Carter—Second Monday in February and August.

Sullivan—At Bristol, third Monday in February and August. At Blountville, fourth Monday in February and August.

Washington—At Jonesboro, first Monday in March and September. At Johnson City, second Monday in March and September.

Unicoi—Third Monday in March and September.

Greene—Fourth Monday in March and September.
Hawkins—Second Monday in April and October.
Hancock—Third Monday in April and October.
Claiborne—First Monday in May and November.
Grainger—Third Monday in May and November.
Hamblen—Fourth Monday in May and November.
Cocke—First Monday in June and December.

Second Chancery Division.

Sevier—First Monday in January and July.
Blount—Second Monday in January and July.
Loudon—Third Monday in January and July.
Campbell—Fourth Monday in January and July.
Anderson—First Monday in February and August.
Roane—Third Monday in February and August.
Morgan—First Monday in March and September.
Scott—Second Monday in March and September.
Union—Third Monday in March and September.
Fentress—Fourth Monday in March and September.
Jefferson—Second Monday in April and October.

Third Chancery Division.

Franklin—Fourth Monday in January and July.
Rhea—First Monday in February and August.
Bradley—Second Monday in February and August.
James—Friday after second Monday in February and August.
Marion—Third Monday in February and August.
Coffee—Fourth Monday in May and November.
Bledsoe—First Monday in March and September.
Sequatchie—Thursday after first Monday in March and September.
Grundy—Tuesday after third Monday in May and November.
McMinn—Fourth Monday in February and August.
Moore—Thursday after fourth Monday in January and August.

Warren—Second Monday in March and September.

Monroe—First Monday in June and December.

Polk—Second Monday in May and November.

Meigs—First Monday in May and November.

Hamilton—Third Monday in March and September.

Fourth Chancery Division

Cumberland—Fourth Monday in April and October.

Pickett—Second Monday in April and October.

Overton—First Monday in April and October.

Clay—Fourth Monday in February and September.

Jackson—Third Monday in March and September.

Putnam—First Tuesday after second Monday in June and December.

White—First Tuesday after first Monday in June, and first Monday after fourth Monday in October.

DeKalb—Second Monday after fourth Monday in April and October.

Smith—First Monday in March and September.

Macon—First Wednesday after second Monday in March and September.

Van Buren—Third Monday in April and October.

Cannon—First Monday in January and July.

Trousdale—Second Monday in January and July.

Fifth Chancery Division.

Rutherford—Third Monday in January and July.

Bedford—Third Monday in February and August.

Marshall—First Monday in March and September.

Williamson—Third Monday in March and September.

Lincoln—Third Monday in April and October.

Lawrence—Third Monday in April and October.

Maury—Third Monday in June, and first Monday
1 November.

Giles—First Monday in May and November.

Lewis—Second Monday in June and December.

Wayne—First Monday in January and July.

Sixth Chancery Division.

Wilson—Second Monday in April and October.

Sumner—First Monday in May, and second Monday in November.

Robertson—Third Monday in May, and fourth Monday in November.

Montgomery—First Monday in February and September.

Cheatham—First Monday in April and October.

Stewart—Fourth Monday in April and October.

Houston—Thursday after fourth Monday in April and October.

Dickson—First Monday in June and December.

Humphreys—Third Monday in June and December.

Hickman—First Monday in January and July.

Seventh Chancery Division.

Davidson—First Monday in January and July.

Eighth Chancery Division.

Decatur—First Monday in January and June.

Hardin—Second Monday in January and July.

Chester—Third Monday in January and July.

Benton—Fourth Monday in January and July.

McNairy—Second Monday in February and August.

Crockett—Fourth Monday in February and August.

Henderson—First Monday in March and September.

Carroll—Second Monday in March and September.

Henry—Fourth Monday in March and September.

Madison—Second Monday in April and October.

Perry—Second Monday in May and November.

Hardeman—Fourth Monday in May, and second Monday in December.

Ninth Chancery Division.

Dyer—First Monday in January and July.

Obion—Third Monday in January and July.

Lake—First Monday in February and August.

Weakley—Second Monday in February and August.

Gibson—At Trenton, fourth Monday in February and August. At Humboldt, third Monday in March and September.

Lauderdale—First Monday in April and October.

Fayette—Third Monday in April and October.

Haywood—Fourth Monday in April and October.

Tipton—Second Monday in May, and fourth Monday in November.

Tenth Chancery Division.

Shelby—First Monday in January and July.

Sec. 5. Be it further enacted, That all bonds shall be taken, and all process made returnable to the courts at the times and places fixed for holding the same in the foregoing provisions of this act. And all such bonds recognizances taken at or after the last terms of the various courts of the state, as held under existing laws, and all process issued after that time, shall be made returnable to the first terms of courts to be held thereafter under the provisions of this act, and the same shall be valid and binding in law.

Bonds and process.

Sec. 6. Be it further enacted, That this act shall take effect on and after the first day of August, 1902 (nineteen hundred and two), for the purpose of electing judges for the several judicial circuits, chancery divisions, and criminal courts of this state, but in all other respects, this act shall take effect on the first day of September 1902 (nineteen hundred and two), at which time the terms of office of the judges and chancellors to be elected under this act begins.

When effective

Sec. 7. Be it further enacted, That elections for judges, chancellors, and attorneys-general under this act shall be at the times, places, and manner as now provided by law for the election of such officers.

Elections.

Sec. 8. Be it further enacted, That the provisions of the code of Tennessee, and all acts and parts of acts of the general assembly, in conflict with this act, be, and the same are hereby, repealed.

Passed April 21, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 22, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 428.

HOUSE BILL No. 420.

AN ACT to authorize the estates of insane persons committed to the hospitals for the insane in this state to be used for their support and maintenance.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That whenever any person committed to the hospitals for the insane in this state have estates in the hands of guardians, or otherwise, the income and body of which said estates, property, or moneys is insufficient in amount to pay for their care and keeping in any of the hospitals for the insane aforesaid, that same may be used and appropriated to go towards the payment for their care and keeping in said hospitals for the insane; Provided, That said insane persons have no family or dependents.

Sec. 2. Be it further enacted, That the county court clerks of the various counties of the state be, and they are hereby, directed to report to the superintendent of the several hospitals for the insane of the state their several grand divisions of the state, the names and amounts in value of the estates belonging to insane persons provided for in this act, and that the superintendents of the hospitals for the insane

state are hereby empowered to demand and receipt for any moneys belonging to said insane persons so reported by said county court clerks, the same to be credited on their sustenance account.

Sec. 3. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 22, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 24, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 429.

SENATE BILL No. 597.

AN ACT to change the time of holding the circuit and chancery courts in Van Buren county, and the circuit court in Moore county.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That hereafter the circuit and chancery courts of Van Buren county shall be held the second Monday in April, and the first Monday in October of each year, and that the circuit court Moore county shall hereafter be held on Tuesday after the first Monday in February and June, and Tuesday after the fourth Monday in October of each year.

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with this act be, and the same hereby, repealed, and that this act take effect

from and after its passage, the public welfare requiring it.

Passed April 22, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved April 22, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 430.

SENATE BILL No. 475.

AN ACT to prevent fire, fire marine, or marine insurance companies or associations not incorporated under the laws of this state from placing, writing, or causing to be written or placed, contracts or policies of insurance covering property located in this state otherwise than through resident local agents.

Certain policies must be approved by local agent.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That no fire, fire marine, or marine insurance company or association not incorporated under the laws of this state, authorized to transact business herein, shall make, write, place, or cause to be made, written, or placed any policy, duplicate policy, or contract of insurance of any kind or character, or any general or floating policy, upon property situated or located in this state, except after the risk has been approved, in writing, by a local agent who is a resident in this state, regularly commissioned and licensed to transact insurance business here, who shall countersign all policies so issued or contracts of insurance, and receive the full commission thereon when the premium is paid, to the end that the agent may receive the taxes required by law to be paid.

the premiums collected for insurance on all property located in this state; Provided, however, That nothing in this act shall be construed to prevent any such company or association authorized to transact business in this state from contracting for insurance at its principal or department offices covering property in this state; Provided, That policies are issued and countersigned by and entered in the usual form on records of the local agents, who are residents of this state, and licensed to transact the business of insurance in this state, and receive the full commission thereon when paid. No provision of this section is intended to, or shall, apply to direct insurance covering the rolling stock of railroad corporations, or property received for shipment or delivery in transit while in the possession and custody of railroad corporations, or other common carriers of freight, merchandise, or passengers.

Sec. 2. Be it further enacted, That renewal of license to transact the business of fire, fire marine, or marine insurance in this state for companies or associations not incorporated under the laws of this state, shall only be issued after the secretary or manager of such company or association so desiring to renew license to do business in this state shall have first made oath that no policy or contract of insurance covering property located in the State of Tennessee has been issued, written, or placed during the twelve months preceding, except by resident local agents of such company or association in Tennessee, duly commissioned, and until and after such company or association shall have complied with all other laws of this state in respect to the admission of companies of other states and foreign countries.

Renewal of license.

Sec. 3. Be it further enacted, That whenever the insurance commissioner shall have received information that any fire, fire marine, or marine insurance company or association, not incorporated under the laws of this state, has violated any of the provisions of section 1 of this act, he is authorized, at the expense of such company or association, to examine by himself or his accredited representative at the principal office or offices of such company or association, located in the United States of America, or in any

Examination by commissioner as to violations.

foreign country, and also at such offices or agencies of such company or association as he may deem proper, all books, records, and papers of such company or association, and he may examine under oath the officers, managers, and agents of such company or association as to such violation or violations. The refusal of any such company or association to submit to such examination, or to exhibit its books and records for inspection, shall constitute a forfeiture of its license as hereinafter provided for.

License may be
revoked; rein-
statement.

Sec. 4. Be it further enacted, That if any fire, fire marine, or marine insurance company or association shall violate or fail to observe and comply with any or all of the provisions of this act applicable thereto, it immediately shall become the duty of the insurance commissioner to investigate same, and if the insurance commissioner is himself satisfied as to the guilt of the insurance company or association, it shall be the duty of the insurance commissioner, in the manner now provided by law, to revoke the license of such company or association, to transact business in this state, and such revocation shall continue for at least one year from the date thereof, nor shall any insurance company or association whose authority to transact business in this state shall have been so revoked, be again authorized or permitted to transact business herein, until it shall have filed in the office of the insurance commissioner a certificate, signed by its president or other chief officer, to the effect that the terms and obligations of the provisions of this act are accepted by it as a part of the condition of its right and authority to transact business in this state.

Policy in un-
authorized
company., lia-
bility as to.

Sec. 5. Be it further enacted, That under this act is also included citizens of this state procuring and holding insurance contracts or policies in fire, fire marine, or marine insurance companies or associations upon property situated or located in this state in companies not authorized to transact business in this state; that the procuring or accepting policies or contracts of such insurance in such unauthorized companies or associations makes liable every citizen having such contracts or policies for taxes, the same as if each company or association was duly authorized to transact business in the state.

Sec. 6. Be it further enacted, That all laws and parts of laws in conflict with this act be, and the same are hereby, repealed.

Sec. 7. Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.

Passed April 19, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved April 24, 1899.

BENTON McMILLIN,
Governor.

CHAPTER 431.

SENATE BILL No. 422.

AN ACT to impose taxes upon corporations, associations, and joint stock companies chartered or incorporated under the laws of any other state or country, for the privilege of coming into this state for the purpose of doing business here, and to provide for the collection of the same and the payment thereof into the state treasury.

Be it enacted by the General Assembly of the State of Tennessee:

Section 1. That the coming into this state of any corporation, association, or joint stock company chartered or incorporated under the laws of any other state or country, for the purpose of doing business here, is hereby declared and made a privilege.

Sec. 2. That every corporation, association, or joint stock company chartered or incorporated under the laws of any other state or country, and having a capital stock, shall pay into the office of the secretary of state, for the use of the state, upon filing a copy of its charter as required by chapter 31 of the Acts of 1877, and chapter 122 of the Acts of 1891, a tax of

one hundred dollars for the privilege of coming into this state for the purpose of doing business here; Provided, That insurance companies shall be credited by the amount of fees paid to the insurance commissioner upon entering the state to do business.

Sec. 3. That it shall be the duty of the secretary of state to report and pay to the state treasurer, quarterly, all taxes collected under this act.

Sec. 4. That this act take effect from and after its passage, the public welfare requiring it.

Passed April 18, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved April 24, 1899, at 6:35 p.m.

BENTON McMILLIN,
Governor.

CHAPTER 432.

HOUSE BILL No. 693.

AN ACT to provide revenue for state, county, and municipal purposes.

Tax rate.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the taxes on every \$100 worth of property shall be 50 cents for the year 1899, and for every subsequent year thereafter, 35 cents of which shall be for state purposes and 15 cents for school purposes. That there shall be levied and collected a collateral inheritance tax as provided for in chapter 174 of the Acts of 1893.

Counties and municipalities may levy.

Sec. 2. Be it further enacted, That the several county courts of this state be, and they are hereby authorized and empowered to levy an annual county tax on every \$100 worth of taxable property not exceeding the 30 cents upon the hundred dollars worth of property, and exclusive of the tax for public roads and pikes and schools and interest on county debt

and other special purposes. And each county and municipality in this state is hereby authorized and empowered to levy a privilege tax upon merchants and such other avocations, occupations, or businesses as are named in this act and declared to be privileges, not exceeding in amount that levied by the state for state purposes. The imposition of a privilege tax under this act shall not be construed as a release or exemption from an ad valorem tax unless otherwise expressly provided. Nor shall this act be construed as repealing any special act heretofore passed imposing a privilege tax.

Sec. 3. Be it further enacted, That all merchants shall pay an ad valorem tax upon the average capital invested by them in their business of 50 cents on the \$100; 35 cents of which shall be for state purposes, and 15 cents of which shall be for school purposes, and a privilege tax of 15 cents on each \$100 worth of taxable property, 7 1-2 cents of which shall be for school purposes, and 7 1-2 cents for state purposes; Provided, That such privilege tax, without regard to the length of time they do business, shall in no case be less than \$5, which \$5 is to be paid when the license is taken out, and in case of those whose privilege tax amounts to more than \$5, the \$5 paid shall be a credit when the balance of the tax is paid; Provided further, That said \$5 shall be equally divided between the state and counties.

Sec. 4. Be it further enacted, That each vocation, occupation, and business hereinafter named in this section is hereby declared to be a privilege, and the rate of taxation on such privilege shall be as hereinafter fixed, which privilege tax shall be paid to the county court clerk as provided by law for the collection of revenue.

ABSTRACT COMPANIES AND PERSONS PURSUING THE BUSINESS OF FURNISH- ING ABSTRACTS OF TITLE.

In cities, taxing districts, or towns of
30,000 inhabitants or over, each, per
annum\$ 50 00

| | |
|---|-------|
| In cities, taxing districts, or towns of from 10,000 to 30,000 inhabitants, each, per annum | 25 00 |
| In cities, taxing districts, or towns of less than 10,000 inhabitants, each, per annum | 10 00 |

ADVERTISING COMPANIES.

| | |
|--|--------|
| All persons, companies, or corpora- tions owning, controlling, or conducting the business of advertising in street cars in each county in which business is done.\$ | 100 00 |
|--|--------|

ARTISTS AND PHOTOGRAPHERS.

| | |
|---|----------|
| In cities, towns, and taxing districts of over 20,000 inhabitants, each, per annum | \$ 25 00 |
| In cities, towns, and taxing districts of from 5,000 to 20,000 inhabitants, each, per annum | 15 00 |
| In cities, towns, and taxing districts under 5,000 and above 2,000 inhab- itants, each, per annum | 7 50 |
| In cities, towns, and taxing districts under 2,000 inhabitants | 3 00 |

AUCTIONEERS.

Which shall include all persons sell-
ing goods, wares, merchandise, all other
chattels, live stock, or securities at pub-
lic outcry, whether they charge for
same or not, but not to apply to judicial
sales or sales by trustees:

| | |
|---|----------------|
| In cities, towns, and taxing districts of 30,000 inhabitants or over, each, per annum | \$ 20 |
| In cities, taxing districts, or towns of from 20,000 to 30,000 inhabitants, each, per annum | 1 ⁵ |

In cities, towns, or taxing districts of from 5,000 to 20,000 inhabitants, each, per annum 10 00

In cities, towns, or taxing districts of less than 5,000 inhabitants, each, per annum 5 00

Provided that this shall not apply to persons selling effects of estates of deceased persons.

No license shall be issued for less than one year.

TRANSIENT AUCTIONEERS.

Each per week\$ 20 00

BASEBALL PARKS.

In counties of over 50,000 inhabitants, when admission fee is charged, each, per annum\$ 50 00

In counties of less than 50,000 inhabitants and over 20,000 inhabitants, when admission fee is charged, each, per annum 25 00

In counties of less than 20,000 inhabitants, when admission fee is charged, each, per annum 15 00

BREWERS.

Brewers located in this state shall pay, each, per annum\$ 250 00

Said tax shall be paid in the county where the brewery is located, each agent, or person selling on commission for breweries, or any dealer, or his agent, by whom beer is sold, when the same was purchased from or on account of breweries, shall pay, each, per annum in cities, towns, or taxing districts of 10,000 inhabitants or over

250 00

| | |
|---|--------|
| In cities, towns, and taxing districts of over 7,500 inhabitants and under 20,000 | 125 00 |
|---|--------|

| | |
|---|-------|
| In cities, towns, and taxing districts of 7,500 inhabitants or under | 50 00 |
|---|-------|

Provided that such agent handling or
selling the beer of more than one
brewery shall be liable for tax here-
under as if agent for one brewery only.

BILL POSTERS.

| | |
|--|----------|
| In cities, taxing districts, or towns of 30,000 inhabitants or over, each, per annum | \$ 25 00 |
|--|----------|

| | |
|--|-------|
| In cities, taxing districts, or towns of from 7,000 to 30,000 inhabitants, each, per annum | 15 00 |
|--|-------|

BICYCLES.

(Dealers in.)

| | |
|--|----------|
| Dealers in bicycles or bicycle supplies, or both, each person, firm, or corpora- tion, or agent dealing in bicycles or bicycle supplies, or both, each per an- num | \$ 10 00 |
|--|----------|

| | |
|--|-------|
| Any person, firm, corporation, or agent keeping bicycles for hire, each, per annum | 10 00 |
|--|-------|

When bicycles or bicycle supplies con-
stitute a part of a merchant's common
stock, and to be sold as such in the
usual course of business, the same shall
be taxed as part of the merchant's
stock, provided the part of the com-
mon stock composed of bicycles or
bicycle supplies, or both, does not ex-
ceed 10 per cent. of the entire common
stock. In case the same does exceed
10 per cent. of the entire common

stock, then the privilege tax under the first clause of this item shall be paid.

BOTTLERS.

Each bottler or bottling association other than bottlers of natural mineral waters, each, per annum in counties of 50,000 inhabitants or over\$ 75 00

In counties of less than 50,000 inhabitants, each, per annum 50 00

Provided, That brewers or brewers agent paying tax as such shall not be liable for above tax where they bottle beer only.

BROKERS.

(Other than real estate or merchandise.)

In cities, taxing districts, or towns of 30,000 inhabitants or over, each, per annum\$ 100 00

In cities, taxing districts, or towns of 20,000 to 30,000 inhabitants, each, per annum 50 00

In cities, taxing districts, or towns of less than 20,000 inhabitants, each, per annum 25 00

In counties outside of cities, taxing district, or towns, each, per annum.... 25 00

Dealers in stocks and bonds are hereby held to be brokers. No person or persons, firm, association, or corporation engaged in the business of banking or insurance shall directly or indirectly transact any business or enter into or perform any negotiations as a broker without paying the privilege tax levied upon brokers, it being the intention of this act that if any person or persons, firm, association, or corporation engaged in the business of banking or insurance should act directly or indirectly as a broker, the same shall be classed and held liable for the foregoing privilege tax on brokers. This tax shall not apply to banks doing a regular deposit and discount business.

BROKERS—MERCHANDISE.

Which shall include, when the sale is made in the state, all sellers of merchandise to consumers upon orders or samples, and also all agents engaged in such business.

| | | |
|---|----|-------|
| In cities, towns, and taxing districts of 50,000 inhabitants or over, each, per annum | \$ | 30 00 |
| In cities, towns, and taxing districts of 20,000 to 50,000 inhabitants, each, per annum | | 20 00 |
| In cities, towns, and taxing districts of 10,000 to 20,000 inhabitants, each, per annum | | 15 00 |
| In cities, towns, and taxing districts of less than 10,000 inhabitants, each, per annum | | 7 50 |

BUTCHERS OR RETAILERS OF FRESH MEATS.

This includes all offices, stalls, and stores for sale of fresh meats, or from wagons at retail.

| | | |
|--|----|-------|
| In cities, towns, or taxing districts, or on territory within two miles of the limits of such city, town, or taxing district of 20,000 inhabitants or over, each, per annum | \$ | 15 00 |
| In cities, towns, or taxing districts of from 10,000 to 20,000 inhabitants, or on territory within two miles of the limits of such city, town, or taxing district, each, per annum | | 10 00 |
| In cities, towns, or taxing districts of from 5,000 to 10,000 inhabitants, or on territory within two miles of the limits of such city, town, or taxing district, each, per annum | | 7 |
| In cities, towns, or taxing districts of from 1,000 to 5,000 inhabitants, or on territory within two miles of the limits | | |

of such city, town, or taxing district,
each, per annum 3 50

But this shall not apply to farmers
selling their own products on the streets,
and without a regular place of business.

In counties outside of cities, towns, or
taxing districts, each, per annum 5 00

Provided, This clause shall not apply
to persons selling meat from wagons.

WHOLESALE DEALERS IN FRESH MEAT OTHER THAN BUTCHERS.

This tax shall also apply to cold sto-
rage companies.

In counties of 50,000 inhabitants, or
over, each, per annum\$ 150 00

In counties less than 50,000 inhabit-
ants, each, per annum 100 00

The above shall apply to all cold storage companies
making a charge for storage, except municipalities
owning and operating their own plant.

CIGAR STANDS.

In cities, towns, or taxing districts of
20,000 inhabitants, or over\$ 10 00

In cities, towns, or taxing districts
under 20,000 5 00

This shall not apply to merchants engaged in the
mercantile business, paying an ad valorem mer-
chants' or privilege tax as such, and who sell cigars
and tobacco as an incident thereto from the same
established business place, when the ad valorem value
of their stock of cigars and tobacco does not exceed
ten per cent. of the value of their general stock of
merchandise.

CIGARETTES.

(Not sold in violation of criminal law.)

Wholesale dealers in cigarettes, each,
per annum\$ 50 00

| | |
|---|-------|
| Retail dealers in cigarettes, each, per annum | 10 00 |
|---|-------|

CIRCUSES OR MENAGERIES, OR BOTH

(When admission fee is charged.)

| | |
|--|-----------|
| Circuses, each day and night, or day or night: | |
| In counties of 50,000 inhabitants and over, each | \$ 200 00 |
| In counties of 30,000 to 50,000 inhabitants, each | 150 00 |
| In counties of 15,000 to 30,000 inhabitants, each | 100 00 |
| In counties of less than 15,000 inhabitants, each | 50 00 |
| Menageries, each day and night, or day or night: | |
| In counties of 50,000 inhabitants and over, each | 200 00 |
| In counties of 30,000 to 50,000 inhabitants, each | 150 00 |
| In counties of 15,000 to 30,000 inhabitants, each | 100 00 |
| In counties of less than 15,000 inhabitants, each | 50 00 |
| Circuses and menageries combined, each day and night, or day or night: | |
| In counties of 50,000 inhabitants and over, each | 200 00 |
| In counties of 30,000 to 50,000 inhabitants, each | 150 00 |
| In counties of 15,000 to 30,000 inhabitants, each | 100 00 |
| In counties of less than 15,000 inhabitants, each | 50 00 |
| Side shows and other shows and concerts in connection with the above, taxed separately under their appropriate head, if they charge separate or additional entrance fee. | |
| Sleight of hand or legerdemain, each day and night, or day or night, each . . . | 20 |

| | | |
|---|--|--------|
| Other exhibitions for profit (except circuses, menageries, theaters, etc.), except exhibitions for purely charitable purposes, and those given by amateur or home troupes, each day and night or day or night, each | | 15 00 |
| Per week | | 30 00 |
| Per month | | 100 00 |
| Traveling theatrical companies, showing in halls not paying a privilege tax as theaters, for each day and night, or day or night | | 5 00 |
| Per week | | 25 00 |
| Per month | | 100 00 |

WILD WEST SHOWS.

| | |
|---|--------|
| Each day and night, or day or night, in counties of 50,000 inhabitants and over, each | 100 00 |
| In counties of less than 50,000 inhabitants, each | 50 00 |

COAL OR COKE, OR COAL AND COKE.

(Agents or dealers.)

| | |
|---|-------|
| In cities, towns, or taxing districts of 30,000 inhabitants or over, each person, firm, or corporation, each, per annum.. | 30 00 |
| In cities, towns or taxing districts of over 5,000 and under 30,000 inhabitants, each person, firm, agency, or corporation, each, per annum | 15 00 |
| In cities, towns, or taxing districts of less than 5,000 inhabitants, each, per annum | 5 00 |
| In counties outside of cities, towns and taxing districts, each, per annum | 5 00 |

Provided, That nothing in this section shall apply to persons mining their own coal and selling same from wagons. This

shall not apply to persons or companies who sell in quantities of five (5) bushels or less, or persons who mine their own coal and sell the same in 5 bushel lots.

COAL OIL OR ILLUMINATING OIL.

Companies, firms, or local agents selling to other dealers for resale shall pay as wholesale merchants. Selling directly to consumer, shall pay as peddlers. This shall not apply to merchants keeping oil for sale and paying a general merchants' tax.

COLLECTION AGENCIES.

| | |
|--|-------|
| This tax shall be paid whether such agency has paid the tax as required of commercial, mercantile, mutual benefit or protection agencies or not. In cities, taxing districts, or towns of 20,000 inhabitants or over, each office, per annum | 25 00 |
| In cities, taxing districts, or towns of less than 20,000 inhabitants, each office, per annum | 10 00 |

COMMERCIAL, MERCANTILE OR PROTECTIVE AGENCIES.

| | |
|--|-----------|
| In cities, towns, or taxing districts of 20,000 inhabitants or over, each office, per annum | \$ 125 00 |
| In cities, towns or taxing districts under 20,000 inhabitants, each office, per annum | 50 |
| Local collecting and protective agencies confining their operations to the country where located | 1 |

CONSTRUCTION COMPANIES.

Each foreign construction company operating or doing business in this state directly or by agent, or by any sub-letting contract, each, per annum in each county 50 00

Each domestic construction company organized under the laws of Tennessee, doing business in this state, each, per annum, in each county 15 00

COTTON SEED OIL MILLS.

On each plant pressing under 1,000 tons annually\$ 15 00

On each plant pressing 1,000 and under 5,000 tons annually 30 00

On each plant pressing 5,000 and under 10,000 tons annually 40 00

On each plant pressing 10,000 and under 20,000 tons annually 60 00

On each plant pressing 20,000 and under 30,000 tons annually 100 00

On each plant pressing 30,000 and under 50,000 tons annually 150 00

On each plant pressing 50,000 and under 75,000 tons annually 200 00

On each plant pressing 75,000 and under 100,000 tons annually 300 00

On each plant pressing 100,000 tons and over annually 350 00

They shall make oath monthly before the county court clerk as to the number of tons pressed, and any false statement with reference thereto shall be perjury, and punished accordingly. The statement to be made by the tax payer shall be in writing, and the oath shall likewise be in writing and signed by the party, and shall show the amount pressed each and every month, and be filed with the clerk of the county court.

COTTON COMPRESSES

| | | |
|--|----|--------|
| Shall be taxed as other property, and each firm, company, or corporation pressing one bale and under 20,000 bales per annum, shall pay | \$ | 25 00 |
| Twenty thousand bales and under 50,000 bales, per annum, each..... | | 50 00 |
| Fifty thousand bales and under 100,000 bales, per annum, each..... | | 100 00 |
| One hundred thousand bales or over, per annum, each | | 150 00 |
| Compresses compressing round bales shall pay as other compresses. | | |

COTTON FACTORS.

| | | |
|---|----|-------|
| Cotton factors receiving and selling cotton other than merchants that pay a privilege tax. Each person, firm, company or corporation, in cities, towns, or taxing districts of 20,000 inhabitants or over | \$ | 25 00 |
| Each person, firm, company or corporation in cities, towns or taxing districts of from 10,000 inhabitants to 20,000.. | | 15 00 |
| Each person, firm, company or corporation in cities, towns or taxing districts of from 5,000 to 10,000..... | | 7 50 |
| Each person, firm, or corporation in cities, towns or taxing districts of less than 5,000 inhabitants | | 5 00 |

DEALERS IN SECOND HAND CLOTHING ETC.

| | | |
|--|----|-----|
| Persons, firms, or corporations dealing in second hand clothing or wearing apparel, each, per annum..... | \$ | 250 |
|--|----|-----|

DISTILLERS OF WHISKY.

Each distillery with a capacity of over ten barrels per day, per annum.....\$ 250 00

Each distillery with a capacity of from five to ten barrels per day, per annum.. 150 00

Each distillery with a capacity of five barrels or less, per day, per annum.... 75 00

Distillers' license shall not be issued for a less time than one year.

DISTILLERS OF BRANDY.

Each distillery with a capacity of five barrels or over per day, per annum.....\$ 10 00

Each distillery with a capacity of less than five barrels per day, per annum... 5 00

Distillers' license shall not be issued for less time than one year.

DEALERS IN THEATER TICKETS.

Persons buying and offering for sale such tickets in cities, towns or taxing districts of 40,000 inhabitants or over, each, per annum\$ 15 00

In cities, taxing districts or towns from 20,000 to 40,000 inhabitants, each, per annum 10 00

In cities, taxing districts, or towns from 10,000 to 20,000 inhabitants, each, per annum 5 00

EATING OR LUNCH HOUSES, OR STANDS.

Other than hotels or restaurants, in cities, towns, or taxing districts of 8,000 inhabitants or over, each, per annum...\$ 10 00

Under 8,000 inhabitants 5 00

any officer or witness, accruing in any of the courts of this state, shall be taxed as follows:

In counties of 50,000 inhabitants or over, each, per annum.....\$ 100 00

In counties from 20,000 to 50,000 inhabitants, each, per annum..... 50 00

In counties from 10,000 to 20,000 inhabitants, each, per annum 25 00

In counties of less than 10,000 inhabitants, each, per annum 5 00

Said tax shall be paid for each and every person employed in said business, whether as principal or agent. But said tax shall not apply to merchants or other persons paying face value for said fees.

FERRIES.

Except those run by hand, with oars, when landing in this state, at or within five miles of taxing districts, cities, or towns.

At or within five miles of cities, towns or taxing districts of 10,000 inhabitants or over, each, per annum.....\$ 50 00

At or within five miles of cities, towns or taxing districts of from 5,000 to 10,000 inhabitants, each per annum..... 30 00

At or within five miles of cities, towns or taxing districts from 3,000 to 5,000 inhabitants, each per annum..... 20 00

At or within five miles of cities, towns or taxing districts of less than 3,000 inhabitants, each, per annum..... 5 00

All ferries taxable under this act more than five miles from towns, cities or taxing districts, each, per annum..... 5 00

Provided that there shall be no tax upon any ferry owned by the county wherein the same is situated

FLYING JENNIES.

In cities, towns or taxing districts of 10,000 inhabitants, or over, each, per annum 100 00

| | |
|--|-------|
| In cities, towns or taxing districts from 20,000 to 50,000 inhabitants, each, per annum..... | 50 00 |
| In cities, towns or taxing districts from 5,000 to 20,000 inhabitants, each, per annum | 25 00 |
| In cities, towns or taxing districts under 5,000 inhabitants, each, per annum | 15 00 |
| In counties outside of towns, cities and taxing districts, each, per annum... | 15 00 |

FORTUNE TELLERS.

| | |
|----------------------|-------|
| Each, per annum..... | 10 00 |
|----------------------|-------|

FRUIT STANDS.

| | |
|---|------|
| In cities, towns or taxing districts of 50,000 inhabitants or over, each, per annum | 2 50 |
| In cities, towns or taxing districts of under 50,000 inhabitants, each, per annum | 1 00 |

Provided, That this shall not apply to persons engaged in the mercantile business, paying an ad valorem, merchants' or privilege tax as such, and who shall sell fruit as an incident thereto from the same established business place, when the ad valorem value of their stock of fruit does not exceed twenty per centum of the value of their general stock of merchandise.

FUTURES.

Dealers in futures and brokers dealing in futures, when actual delivery is not intended, each person, firm, company or corporation dealing in or doing a brokerage business therein, and each branch or

agency of such firm, company or corporation, at any place in this state, each, per annum \$ 2,000 00

Provided, that nothing contained in this section shall be construed, directly or indirectly, to amend, repeal or modify any criminal law of this state, or to exempt any person or persons from the penalty of violating any criminal law of this state, nor to license any person or persons to do any act or business in violation of any statute law of this state.

Brokers doing a brokerage or commission business, for cash or actual future delivery on the regular organized exchanges of the country, or through any member of said exchanges, per annum 200 00.

GAMES.

Billiard tables, pool tables, bagatelle tables, jenny lind tables, ten pin alleys, roller coasters or shooting galleries or stands, on each, in cities, towns or taxing districts of 20,000 inhabitants or over, each, per annum 25 00

In cities, towns or taxing districts of from 10,000 to 20,000 inhabitants, each, per annum 15 00

In cities, towns or taxing districts of from 5,000 to 10,000 inhabitants, each, per annum 10 00

In cities, towns or taxing districts of under 5,000 inhabitants, each, per annum 5 00

In counties outside of cities, towns or taxing districts, each, per annum 25 00

But this shall not apply to pool or billiard tables in private houses not used for profit; nor ten pin alleys on private premises not used for profit, and not open to the public, or associations for

social purposes, or school, where no liquors or refreshments are sold.

All devices used by persons as a source of profit to themselves, such as throwing at wooden figures, or any other object, throwing rings, or any device of like nature, and striking an object to test the strength, and blowing to test the lungs, each, per annum

10 00

GAS COMPANIES.

In cities, taxing districts or towns of 70,000 inhabitants or over, each, per annum

\$ 700 00

In cities, taxing districts or towns of from 30,000 to 70,000 inhabitants, each, per annum

350 00

In cities, taxing districts or towns from 20,000 to 30,000 inhabitants, each, per annum

250 00

In cities, taxing districts or towns from 7,500 to 20,000 inhabitants, each, per annum

125 00

In cities, taxing districts or towns from 4,000 inhabitants to 7,500, each, per annum

75 00

In cities, towns or taxing districts under 4,000 inhabitants, each, per annum

50 00

No municipality owning its own plant shall be required to pay this tax.

HOTELS OR TAVERNS.

For each room, except the dining room, kitchen and two other rooms, each, per annum

Provided, that in towns under 5,000 inhabitants, that the tax shall be 25 cents on each room.

HOTELS KEPT AT PLACES OF SUMMER RESORT.

To be taxed as other hotels, but may be paid semi-annually, each room, per annum \$ 50

HUCKSTERS.

Persons who, either at stalls or booths, sell butter, eggs, poultry, fruit or other produce from the farm, garden or orchard, directly to the consumers, in cities and taxing districts or towns of 30,000 inhabitants or over, each, per annum \$ 5 00

In cities, taxing districts or towns of from 5,000 to 30,000 inhabitants, each, per annum 3 00

In cities, taxing districts or towns from 3,000 to 5,000 inhabitants, each, per annum 2 00

In cities, taxing districts or towns of less than 3,000 inhabitants, each, per annum 1 00

ICE.

(Dealers in.)

Each person, firm or corporation selling imported or home ice to the trade in cities, taxing districts or towns of 30,000 inhabitants or over, each, per annum . . . \$ 100 00

In cities, taxing districts or towns of from 8,000 to 30,000 inhabitants, each, per annum 75 00

In cities, taxing districts or towns from 3,000 to 8,000 inhabitants, each, per annum 50 00

In cities, taxing districts or towns from

| | |
|---|-------|
| 2,000 to 5,000 inhabitants, each, per annum | 10 00 |
|---|-------|

| | |
|---|------|
| In cities, taxing districts or towns from 1,000 to 2,000 inhabitants, each, per annum | 5 00 |
|---|------|

Provided, the above tax shall apply to and be paid when the factory is located on territory adjacent to such town, city or taxing district within a distance of two miles.

| | |
|--|-------|
| Each person or firm retailing or selling ice from any car running upon any railroad in this state, in lieu of all other taxes, to be paid in any county of the state through which the cars run, and in which such sale or sales may be made | 50 00 |
|--|-------|

| | |
|--|------|
| Retail ice dealers, except manufacturers running wagons in connection with their business, each, per annum | 5 00 |
|--|------|

This tax shall not apply to municipal corporations owning and operating ice works and plant.

INTELLIGENCE OFFICES.

| | |
|----------------------------------|-------|
| Each office, per annum | 10 00 |
|----------------------------------|-------|

ITINERANTS.

| | |
|---|--------|
| All persons, whether physicians or not, either selling medicine or advertising their services, or both, by appearing on streets or elsewhere, or making harangues for the purpose of advertising as aforesaid, in each county, per annum \$ | 100 00 |
|---|--------|

Provided, that no license shall be issued for less than twelve months.

LAND STOCK COMPANIES

| | |
|---|----|
| Which have a capital invested in said business of \$100,000, or more, shall pay a privilege tax, each, per annum \$ | 25 |
|---|----|

| | |
|---|-------|
| Those which have a capital of \$50,000, or less than \$100,000, shall pay, each, per annum..... | 15 00 |
| Those having a capital of less than \$50,000, shall pay, each, per annum... | 10 00 |

LAUNDRIES.

(Other than those run by hand-power.)

| | |
|--|----------|
| In cities, taxing districts or towns of 20,000 inhabitants or over, each, per annum | \$ 50 00 |
| In cities, taxing districts or towns of 5,000 to 20,000 inhabitants, each, per annum | 25 00 |
| All under 5,000 inhabitants, each, per annum | 7 50 |
| This shall also apply to such laundries run by hotels, for profit. This shall not include towns and villages of less than 1,000 inhabitants, | |
| Agents for laundries located outside the state, for each laundry so represented in each county..... | 10 00 |

LIGHTNING ROD DEALERS, OR AGENTS.

| | |
|---|-----------|
| Each dealer or agent in each county shall pay, per annum..... | \$ 100 00 |
|---|-----------|

LIGHTING COMPANIES.

(Other than electric light companies and gas companies.)

Corporations, companies, firms, individuals or associations furnishing lights for streets or other purposes to towns, cities, or taxing districts, in cities, towns taxing districts of 50,000 inhabitants

The procuring of United States revenue license to wholesale or retail liquor dealers shall be taken as prima facie evidence that the parties are in a whole-sale or retail liquor business, and are subject to state and county taxes, unless established by proof that they are not so engaged. Upon any clerk receiving knowledge of such internal revenue license he shall have a right to collect the taxes by distress warrants; Provided, That nothing in this section shall be so construed as to exempt wholesale liquor dealers handling or dealing in beer, from privilege tax levied on beer agents and brewers.

LIVERY, SALE AND FEED STABLES.

| | | |
|---|----|----|
| In cities, towns and taxing districts of 10,000 inhabitants or over, each stall, per annum | \$ | 40 |
| In cities, towns and taxing districts of under 10,000 inhabitants and over 5,000, each stall, per annum | | 20 |
| And in cities, towns and taxing districts of 5,000 and under, each stall, per annum | | 10 |

LUMBER DEALERS.

Lumber dealers who buy and sell lumber sawed, dealers in sawed logs, and dealers in staves, must pay a privilege and ad valorem tax as merchants; Provided, That merchants who also deal in lumber shall pay only one privilege tax.

LITIGATION.

| | | |
|---|----|------|
| Each suit in law or equity, in courts of record, to be paid by the unsuccessful party | \$ | 2 50 |
| Each indictment or presentment | | 5 00 |
| Each appeal to the supreme court in | | |

| | |
|--|------|
| criminal cases, if defendant is unsuccessful | 7 50 |
|--|------|

| | |
|---|------|
| Each appeal or writ of error or certiorari from the circuit court or chancery court to the supreme court..... | 5 00 |
|---|------|

| | |
|--|------|
| Each appeal or certiorari from a justice of the peace..... | 2 50 |
|--|------|

Declared part of cost; report. Provided, That on appeal cases from justices' courts where the case is compromised before trial, this tax shall not accrue. All of the above taxes shall be taxed in bills of costs, and are hereby declared part of the costs in the cases, and shall in no case be remitted when such tax can be made out of the defendant. And said officers collecting said taxes, and under the small offense act, shall report the amount collected by them every ninety days, and pay the same over to the treasurer of the state, and report same to the comptroller.

Exceptions. No taxes shall be paid on application for dower or homestead, and no taxes on application of guardians to sell property for maintenance of wards, or to sell or exchange property for manifest interest of wards, or to trench on the property of wards, or on application for partition, and no taxes on suits brought by the state, county or municipality to collect taxes; Provided, That any suit commenced in any court of record and carried to another court of concurrent jurisdiction, and appeals from the county court to the circuit or criminal court, but one litigation tax shall be paid.

MARRIAGE LICENSE.

| | |
|---|------|
| Each (for school purposes), and the tax to be kept in the county.....\$ | 1 00 |
|---|------|

MACHINE.

| | |
|--|-------|
| Nickel-in-the-slot, or nickel-in-the-slot music boxes, or phonographs or other machines or devices of like character (not run in violation of criminal law), each, per annum | \$ 10 |
| Penny-in-the-slot, each, per annum.. | 2 |

All other nickel-in-the-slot-machines,
per annum 100 00

And said taxes shall be paid by every saloon keeper,
or other person who keeps any of the above in con-
nection with his or her business, and for the use of the
public, whether the same is charged for or not.

PARKS—PUBLIC.

Public parks (when visitors are
charged an admission fee), each, per an-
num\$ 100 00

PAWNBROKERS

In cities, towns or taxing districts of
30,000 inhabitants or over, each, per an-
num\$ 150 00

In cities, towns or taxing districts of
8,000 to 30,000 inhabitants, each, per an-
num 75 00

In cities, towns or taxing districts of
5,000 to 8,000 inhabitants, each, per an-
num 75 00

In cities, towns or taxing districts un-
der 5,000 inhabitants, each, per annum. 50 00

Outside of towns, taxing districts and
cities, in each county, per annum..... 10 00

In addition they shall pay a tax as other merchants.

PLAYING CARDS.

Wholesale dealers, each, per an-
num\$ 20 00

Retail dealers, each, per an-
num 5 00

PEDDLERS.

Buying or selling for profit, or both,
on foot, in each county, each, per an-
num\$ 10 00

REAL ESTATE DEALERS AND AGENTS.

| | |
|--|-------|
| In cities, taxing districts or towns of more than 30,000 inhabitants, each agent, each, per annum.....\$ | 25 00 |
| In cities, taxing districts or towns of 20,000 to 30,000 inhabitants, each, per annum | 20 00 |
| In cities, taxing districts or towns of 10,000 to 20,000 inhabitants, each, per annum | 15 00 |
| In cities, taxing districts or towns of less than 10,000 inhabitants, each, per annum | 5 00 |
| In counties outside of cities, towns or taxing districts, each, per annum..... | 5 00 |

RAILROAD TICKET AGENTS OR SCALPERS.

(Except agent actually on lines of railroads.)

| | |
|--|----------|
| In cities, towns or taxing districts of more than 25,000 inhabitants, each, per annum | \$ 75 00 |
| In cities, towns or taxing districts of 10,000 inhabitants, and under 25,000, each, per annum..... | 50 00 |
| In cities, towns or taxing districts of less than 10,000 inhabitants, each, per annum | 25 00 |

RESTAURANTS.

(Same as hotels, on each room, in addition as follows):

| | |
|--|----------|
| In cities, towns or taxing districts of 1,000 inhabitants or over, each, per annum | \$ 40 00 |
| In cities, towns or taxing districts from 100 to 30,000 inhabitants, each, per annum | 30 00 |

| | |
|--|-------|
| In cities, taxing districts or towns from 10,000 to 20,000 inhabitants, each, per annum | 25 00 |
| In cities, taxing districts or towns from 5,000 to 10,000 inhabitants, each, per annum | 20 00 |
| In cities, towns or taxing districts having from 2,000 to 5,000 inhabitants, each, per annum | 10 00 |
| In cities, towns or taxing districts having less than 2,000 inhabitants, each, per annum | 5 00 |
| In counties not in towns, cities or taxing districts, each, per annum | 5 00 |

STOCK YARDS, STOCK PENS, ETC.

(This shall not apply to livery stables who pay a privilege tax.) Stock yards, stock pens, feed or sale stables having stock pens in connection with their business, shall pay a privilege tax for state purposes, as follows:

| | |
|---|-------|
| In counties of 60,000 inhabitants or over, each, per annum \$ | 75 00 |
| In counties of from 40,000 to 60,000 inhabitants, each, per annum | 50 00 |
| In counties of 40,000 or under, each, per annum | 15 00 |

SEWING MACHINE AGENTS, DEALERS IN OR AGENTS.

| | |
|--|-------|
| Each agent or dealer, in counties above 50,000 in population, each, per annum \$ | 30 00 |
| In counties having a population not less than 30,000 nor more than 50,000, each, per annum | 20 00 |
| In counties under 30,000 population, each, per annum | 10 00 |

Merchants selling sewing machines upon which they pay an ad valorem tax, as on other merchand

not to pay this tax required of agents and dealers, provided they sell the same in any one established place of business, viz.: When sewing machines or sewing machine supplies constitute a part of a merchant's general stock, and to be sold as such in the usual course of business, the same shall be taxed as part of the merchant's stock; Provided, The part of the common stock composed of sewing machines, or sewing machine supplies, or both, does not exceed ten per cent. of the entire common stock. In case the same does exceed ten per cent. of the entire common stock, then the privilege tax under the first clause of this item shall be paid.

SECURITIES.

(Dealers in.)

| | |
|--|----------|
| In counties of 50,000 inhabitants or over, each, per annum | \$ 50 00 |
| In counties of 30,000 to 50,000 inhabitants, each, per annum | 25 00 |
| In counties from 15,000 to 30,000 inhabitants, each, per annum | 10 00 |
| In counties of less than 15,000 inhabitants, each, per annum | 5 00 |

1st. Shaving notes, accounts, judgments, or evidence of indebtedness is hereby classed and held to be dealing in securities.

2d. The business of loaning or advancing money on furniture or household goods, or other personal chattel as a security, whether the security be by mortgage or sale, is hereby classed and held to be dealing in securities.

3d. Dealing in securities, as heretofore declared, shall not apply to real estate dealers or merchandise brokers, and agents paying a privilege tax as such.

STREET CAR COMPANIES.

| | |
|--|---------|
| In cities, towns, or taxing districts of 5,000 inhabitants or over, each, per mile, each track | \$ 8 00 |
|--|---------|

| | |
|---|-------|
| In cities, taxing districts, or towns of less than 3,000 inhabitants, each, per annum | 10 00 |
|---|-------|

TURNPIKES.

| | |
|--|-------|
| Each toll gate that collects toll both ways the same day in counties of 50,000 inhabitants or over, each, per annum...\$ | 50 00 |
|--|-------|

| | |
|--|-------|
| Each toll gate that collects toll both ways the same day, in counties of 25,000 inhabitants and not over 50,000 inhabitants, each, per annum | 25 00 |
|--|-------|

| | |
|---|-------|
| Each toll gate that collects toll both ways the same day in counties of less than 25,000 inhabitants, each, per annum | 12 50 |
|---|-------|

| | |
|---|--------|
| Any corporation or turnpike company which increases its tolls for one way beyond what those tolls now are shall pay a privilege tax for each gate of, per annum | 250 00 |
|---|--------|

UNDERTAKERS.

| | |
|---|----------|
| In cities, towns, and taxing districts of 50,000 inhabitants or over, each, per annum | \$ 50 00 |
|---|----------|

| | |
|---|-------|
| In cities, towns, or taxing districts of from 20,000 to 50,000 inhabitants, each, per annum | 30 00 |
|---|-------|

| | |
|---|-------|
| In cities, towns, or taxing districts of from 10,000 to 20,000 inhabitants, each, per annum | 20 00 |
|---|-------|

| | |
|--|-------|
| In cities, towns, or taxing districts of under 10,000 inhabitants, each, per annum | 10 00 |
|--|-------|

| | |
|--|------|
| In any county in the state, outside of cities, towns, or taxing districts, each, per annum | 5 00 |
|--|------|

When coffins or undertaking supplies constitute a part of a merchant's general stock, and to be sold as

such in the usual course of business, the same shall be taxed as part of the merchant's stock; Provided, The part of the common stock composed of coffins or undertaking supplies, or both, does not exceed ten per cent. of the entire common stock. In case the same does exceed ten per cent. of the entire common stock, then the privilege tax, under the first clause of this item, shall be paid.

VARIETY THEATERS.

| | | |
|-----------------------|----|--------|
| Each, per annum | \$ | 200 00 |
|-----------------------|----|--------|

WAREHOUSES AND ELEVATORS.

| | | |
|--|----|-------|
| In cities, towns, and taxing districts of 8,000 inhabitants or over, each, per annum | \$ | 50 00 |
|--|----|-------|

| | | |
|---|--|-------|
| In cities, towns, or taxing districts under 8,000 inhabitants, each, per annum. | | 25 00 |
|---|--|-------|

| | | |
|--|--|-------|
| Warehouses not paying a tax as commission merchants in cities, towns or taxing districts of 8,000 inhabitants or over, each, per annum | | 25 00 |
|--|--|-------|

| | | |
|-----------------------------------|--|-------|
| Less than 8,000 inhabitants | | 15 00 |
|-----------------------------------|--|-------|

| | | |
|---|--|-------|
| In counties of over, 30,000 computed by the census of 1890 or any subsequent census, outside of cities, towns, and taxing districts, each, per annum..... | | 25 00 |
|---|--|-------|

This shall cover all taxes for selling of produce or other articles stored in the warehouse of such warehouseman, but shall not be so construed as to exempt commission merchants from taxation, as provided by law.

WATER COMPANIES.

| | | |
|---|----|--------|
| In cities, taxing districts or towns of 35,000 inhabitants or over, each, per annum | \$ | 800 00 |
|---|----|--------|

| | | |
|---|--|--------|
| In cities, taxing districts, or towns of from 25,000 to 35,000 inhabitants, each, per annum | | 600 00 |
|---|--|--------|

In cities, taxing districts, or towns of
from 8,000 to 25,000 inhabitants, each,
per annum 300 00

In cities, taxing districts or towns of
from 5,000 to 8,000 inhabitants, each,
per annum 100 00

In cities, taxing districts or towns of
less than 5,000 inhabitants and over
1,200, each, per annum 25 00

This tax shall apply to water companies, firms or
individuals furnishing water to towns, cities, or tax-
ing districts, whether the plant be located within or
without the corporate limits of said city, town, or tax-
ing district.

This tax shall not apply to municipal corporations
owning and operating waterworks.

Sec. 5. Be it further enacted, That it is hereby
declared to be a privilege for any of the corporations Certain cor-
porations. hereinafter named in this section to do business or
operate in this state, and the rate of taxation on such
privilege shall be as hereinafter fixed, which privi-
lege tax shall be paid directly to the comptroller of
the treasury of the state.

EXPRESS COMPANIES.

(In lieu of all other taxes, except ad valorem tax.)

If the lines are less than 100 miles,
for one or more packages other than in-
terstate taken up at one point in this
state and transported to another point in
this state, and transported wholly within
this state, per annum\$ 500 00

If the lines are more than 100 miles
long, for one or more packages other
than interstate, taken up at one point in
this state and transported to another
point in this state, and transported whol-
ly within this state, per annum 2,000 00

SLEEPING CAR COMPANIES.

(In lieu of all other taxes, except ad valorem tax.)

Each company doing business in this state for one or more passengers other than interstate, taken up at one point in this state and delivered at another point in this state, and transported wholly within this state, per annum.....\$ 2,500 00

NEWS COMPANIES.

(In lieu of all other taxes, except ad valorem tax.)

For doing business other than interstate, per annum\$ 500 00

RAILROAD COMPANIES.

(In lieu of all other taxes, except ad valorem tax.)
(Not paying an ad valorem tax.)

Each railroad company not paying an ad valorem tax to this state, and operating or controlling a railroad in this state, for taking up and transporting freight or passengers from one point in this state to another point in this state, shall pay annually a privilege tax of \$120.00 for each mile of railroad so operated or controlled in this state.

This tax shall not apply to any railroad exempt by legislative contract of the state from the payment of a privilege tax; Provided, That any railroad company to which the foregoing privilege tax would attach or apply, shall be relieved and released from payment of the same by obligating itself to pay the comptroller of the state, in lieu of all other tax \$4,500.00 annually for the term of ten years, beginning with the year 1899, and ending January

1909, and which shall agree and contract that thereafter the property and franchise of such railroad or railway company shall be liable and subject to ad valorem taxation on the same basis as imposed on other railroad property, waiving at the expiration of said ten years all charter exemptions as to ad valorem taxation; and agreeing that any litigation now pending in any of the courts of the state of Tennessee, or of the United States, the purpose of which is to prevent or restrain the enforcement of the collection of privilege taxes on such railroads, or to recover money already paid for such privilege taxes, shall be dismissed at the cost of such railroad company.

And the governor and comptroller of the state are hereby authorized, empowered, and directed, as the representatives of and for, and on behalf of the state, to make and execute a contract according to the terms and provisions hereinbefore set out, with any railroad company to which the same shall apply, and which shall profess a willingness to enter into such contract. But in the event such contract is not consummated as herein provided, the privilege tax herein provided for shall remain in full force.

TRADING STAMP COMPANIES AND MERCHANTS ISSUING TRADING STAMPS.

That each trading stamp company, or agency doing business by the sale or giving away trading stamps or like devices in any county of this state, shall pay a privilege tax of \$500.00 per annum, in each county in which such company or agency does business. That all persons, firms, corporations, agents or merchants engaged in business or dealing in merchandise by or through the methods known as trading stamps, or like devices, shall pay a privilege tax of \$250.00 per annum; Provided, This tax shall not apply to any merchant or manufacturer who shall issue and place his own tickets, coupons or other vouchers in or with packages of goods sold or manufactured by him, such tickets or coupons to be redeemed by such merchant or manufacturer, nor to any merchant who shall sell or give out with such packages tickets, coupons or

vouchers issued and redeemable only by the manufacturer of the goods sold.

TELEGRAPH COMPANIES.

(In lieu of all other taxes, except ad valorem tax.)

Telegraph companies operating miles of telegraph wire in this state, for one or more messages, sent from one point in this state, and transmitted wholly within this state, and not sent in the service of the United States government, per annum, as follows:

- | | |
|---|----------|
| (1.) From 25 to 100 miles of telegraph wire..... | \$ 15 00 |
| (2.) From 100 to 300 miles of telegraph wire | 200 00 |
| (3.) From 300 to 1000 miles of telegraph wire | 700 00 |
| (4.) For additional miles of telegraph wire over 1,000 miles, at the following rates: | |
| (a) For the first 5,000 miles over 1,000 miles, or any fractional part thereof, \$15.00 for each 100 miles of wire, or fractional part thereof. | |
| (b) For each additional 100 miles of wire or fractional part thereof, over 6,000 miles, \$7.00. | |

RAILROAD TERMINAL COMPANIES.

| | |
|--|-----------|
| In counties of 90,000 inhabitants or over, each, per annum..... | \$ 500 00 |
| In counties from 70,000 to 90,000 inhabitants, each, per annum..... | 400 00 |
| In counties of from 50,000 to 70,000 inhabitants, each, per annum..... | 300 00 |

*TELEPHONE COMPANIES.

| | | |
|---|----|---|
| In cities, towns or taxing districts of 20,000 inhabitants or over, for each box, per annum | \$ | (|
|---|----|---|

□ *The words, "In lieu of all other taxes except ad valorem tax," were in the bill as passed, but were inadvertently¹ out in engrossed copy.

W. S. MORGAN,
Secretary of Str

In cities, towns or taxing districts of less than 20,000 inhabitants, for each box, per annum.....: 40

Mutual co-operative telephone companies not run for profit are not liable for this tax.

Sec. 6. Be it further enacted, That all foreign insurance companies shall, as hereinafter designated, pay direct to the insurance commissioner, the following taxes, which shall be in lieu of all other privilege taxes, viz.: Fire, life, and all other insurance corporations of other states and foreign countries, two and one-half per cent. on gross premium receipts in this state, payable semi-annually, January and July, on sworn returns; and life corporations of other states and foreign countries ceasing to transact new business in this state, shall continue to pay the tax herein provided on business in force, and until the same be terminated. Foreign insurance companies.

Assessment life and casualty corporations, whether organized under the laws of this state or of some other state or foreign country, shall pay two and one-half per cent. on gross premium receipts in this state, payable semi-annually, January and July, direct to the insurance commissioner, on sworn returns showing gross premiums received in this state for each six months ending on December 31, and June 30, of each year, and assessment life corporations ceasing to transact new business in this state shall continue to pay the tax herein provided on business in force, and until the same be terminated; Provided, however, That this shall not apply to purely fraternal orders or societies.

Mutual fire companies of this state, doing business outside of the county in which they have their domicile, and the adjoining counties, shall pay direct to the insurance commissioner \$300.00. Each insurance agent, including each member of an agency or firm, writing or soliciting insurance in this state, shall pay an annual state tax, in lieu of all other privilege taxes, on the following basis:

Agents engaged in business, or commencing business between January 1, and April 1, of each year.....\$ 10 00

| | |
|--|------|
| Agents commencing business between April 1 and July 1, of each year..... | 7 50 |
| Commencing business between July 1, and October 1, of each year..... | 5 00 |
| Commencing business after October 1 | 2 50 |

All payment to be made to the end of each calendar year. This tax to be paid direct to the insurance commissioner, except when he delegates the power to collect the same to the county court clerks, as provided by statute.

BUILDING AND LOAN ASSOCIATIONS.

Sec. 7. Be it further enacted, That every building and loan association incorporated and organized under the laws of this state, shall pay to the treasurer direct a specified privilege license tax in lieu of all other taxes upon its capital actually paid in, whether derived from installment or any other class of stock, which tax shall be paid as follows, and to be paid directly to the treasurer:

Capital paid in.

| | |
|--|--------|
| Not more than \$10,000.....\$ | 20 00 |
| \$10,000 and not more than \$25,000 | 47 00 |
| \$25,000, and not more than \$50,000 | 95 00 |
| \$50,000, and not more than \$100,000 | 140 00 |
| \$100,000, and not more than \$150,000 | 187 50 |
| \$150,000, and not more than \$200,000 | 280 |
| \$200,000, and not more than \$250,000 | 375 |
| \$250,000, and not more than \$300,000 | 468 |
| \$300,00, and not more than \$350,000 | 560 |

| | |
|---|--------|
| \$350,000, and not more than \$400,- 000 | 656 00 |
| \$400,000, and not more than \$450,- 000 | 750 00 |
| \$450,000, and not more than \$500,- 000 | 843 50 |
| Each additional \$100,000, or frac- tional part thereof..... | 92 50 |

Each association shall, annually, on or before the first day of September, make a sworn return to the treasurer, showing the amount of capital of such association actually paid in, as shown by its books at the close of business on the 30th day of June next preceding, and shall, at the same time pay the tax as provided above. Sworn return.

Each building and loan association organized under the laws of any other state or territory having stockholders in this state, shall, annually, on or before the first day of September, make sworn return to the treasurer direct, showing the amount of capital actually paid in to said association by citizens of this state upon all classes of stock, as shown by its books at the close of business on the 30th day of June next preceding, and at the same time pay the tax, as provided above, upon that part of its capital paid in by citizens of this state. Foreign association's return.

Sec. 8. Be it further enacted, That on all transfers of realty there shall be levied and paid, in lieu of all other taxes, a state tax of one dollar per thousand on the consideration, which shall in no case be less than the value of the property, which shall be collected by the clerk of the county court, and the county register is hereby required not to record said deed until the clerk certify that this tax has been paid. But no fee shall be charged for such certificate or registration of same, and such certificate need not be registered. Transfers of realty.

Sec. 9. Be it further enacted, That all persons applying for charters of incorporation, and all corporations applying for amendments to their charters shall pay to the secretary of state, as a privilege tax for the granting of such charter amendment, one-ninth of one per centum upon the capital stock so authorized in the charter applied for, or upon the increase Charter tax.

of the capital stock sought to be made by the amendment to the charter; and he shall account for and pay into the treasury of the state all moneys so received by him monthly, making a report under oath of the amount so collected. And the privilege tax herein provided for shall be in lieu of all other privilege taxes upon granting charters of incorporation or amendments thereof.

No corporate powers until tax paid.

But this section shall not apply to corporations for literary or religious purposes. The tax shall be due and payable upon the incorporation of said corporation, joint stock company or association, or upon the increase of the capital stock thereof, and such corporation, joint stock company or association shall not have or exercise any corporate powers until the said tax shall have been paid, and the secretary of state shall not file or record any charter, certificate of incorporation, or article of association, or certify or give any corporation, joint stock company or association its charter, until the foregoing tax has been paid, and no such company incorporated by any act of the legislature shall go into operation, or exercise any corporate powers or privileges until the said tax has been paid. This section shall not be construed as an additional tax to that imposed by chapter 32 of the Acts of 1897.

Consolidation or transfer.

Sec. 10. Be it further enacted, That hereafter any and all companies consolidating their business, or making any transfer or sale of their property, so as to consolidate their property, or any transfer or trade by which one company shall control the business of another company, shall pay to the State of Tennessee a privilege tax on transfer of one-tenth of one per centum on the amount of capital stock of such companies, after such transfer or consolidation; said amount to be collected by the secretary of state, and by him paid into the treasury.

Renewal of license.

Sec. 11. Be it further enacted, That a license issued to a firm may be renewed in case of the death of a member, or in case of the sale or transfer of the assets of the firm, without the repayment of the privilege tax for the unexpired term they were issued for.

"In lieu of all other taxes."

Sec. 121. Be it further enacted, That whenever the words "in lieu of all other taxes" occur in this r

it is hereby declared to be the legislative intention that county and municipal taxes are excluded.

Sec. 13. Be it further enacted, That whenever, in this act, the population of any county, city, town or taxing district is referred to, it shall be computed upon the federal census of 1890, or any subsequent federal census, the last one to govern in all cases. Last census governs.

Sec. 14. Be it further enacted, That any and all parties, firms and corporations exercising any of the foregoing privileges, must pay the tax as set forth in this act for the exercise of said privileges, whether they make a business of it or not, unless otherwise provided, and this act shall not be so construed as to exempt any person, firm or corporation whatever, exercising any of the foregoing privileges from the payment of the tax herein prescribed for the exercise of said privileges as herein provided, and except as provided in chapter 121 of the Acts of 1869 and 1870, excepting state and county fairs and their tenants. Tax must be paid; exception.

Sec. 15. Be it further enacted, That it is hereby declared a misdemeanor for exercising any of the foregoing privileges without first paying the taxes prescribed for the exercise of the same, and all parties so offending shall be liable to a fine of not less than \$50.00, nor more than \$500.00 for each day such privilege is exercised without license, but this inhibition shall not apply to any person, firm or corporation engaged in interstate commerce. Misdemeanor declared; penalty.

Sec. 16. Be it further enacted, That every person charged with the collection of any of the foregoing taxes and privileges, shall make monthly report of his collections to the proper state and county authorities, which report shall show: Reports of collectors.

1. The date of issuance.
2. The date of payment.
3. The name of each party paying.
4. The kind of privilege.
5. The amount of privilege tax paid and the amount of ad valorem tax paid by each separately.
6. The date of expiration of license.

7. The total amount of such collections for the month. He shall, within fifteen days after the last day of each calendar month, file his report of such collections with the comptroller, if it be for state reve- Reports and payments of collections; penalty for failure.

nue, and with the county judge or chairman of the county court if it be county revenue, and shall pay the amount of such report to the state comptroller or treasurer, at the time he files his report, either in cash or by a certificate showing that said amount has been deposited to the credit of the state treasurer, in a regular state depository, if it be state revenue, and shall pay the amount of said report at the time he files same with the county judge or chairman of the county court to the county trustee, if it be county revenue. If such reports are not filed and payments made as above specified, then there shall be added to the amount of said report, or to the amount it may be ascertained is due from such person, a penalty of one per cent. for each day he is in default, and shall forfeit all rights to commission on said amount, and in no case shall such penalty or forfeiture be remitted.

Comptroller's
report; blanks.

The comptroller shall prepare and publish with his report made to each session of the general assembly, a correct tabulated statement of the amount received from each privilege, from whatever source it may come, giving the amount paid by each county, and showing the privilege and ad valorem tax separately, and for the purpose of making said report uniform, he will furnish to clerks uniform blanks on which to make reports, but the failure to supply such blanks shall be no excuse for clerks failing to make reports as required in this act.

Penalty for de-
linquency.

Sec. 17. Be it further enacted, That it shall be the duty of privilege taxpayers to promptly pay the privilege tax levied under this act, when the same becomes due, and in case any privilege tax is not promptly paid when the same is due by law, the person, firm, association or corporation liable therefor shall pay a penalty of one per centum on the amount of the delinquent tax for each day's delinquency.

Clerks not to
allow exten-
sion; penalty.

It shall be the duty of each county court clerk to promptly collect privileges collectible by him, when the same becomes due, and in no case shall any county court clerk, or his deputy, agree to give, permit or allow any extension of time for the payment of the same, or any part thereof, and in case any county clerk or his deputy shall violate this section, he shall be held and deemed guilty of a misdemeanor in off

and, upon conviction, such clerk or his deputy shall be fined not less than \$25.00, nor more than \$50.00. The clerks of the county courts of the various counties of the state are hereby authorized and empowered, and it is hereby made their duty, as soon as any privilege tax or any part of the same is delinquent, to issue a distress warrant for the collection of the taxes and penalties thereon, and to enforce the collection of the same as in other cases.

Sec. 18. Be it further enacted, That it shall be the duty of each judge of the courts of the state, having criminal jurisdiction to specially give in charge to, and have the grand jury of his court specially investigate all offenses defined in this act, and inquisitorial power is given to grand juries in the premises. It shall also be the duty of the respective district attorneys of the state, upon the information, or at the request of any reputable citizen of the state, to investigate and prosecute ex officio all the offenses defined in this act.

Judge to charge
act; grand jury
to investigate;
attorneys.

Sec. 19. Be it further enacted, That all laws and parts of laws in conflict with this act be, and the same are hereby, repealed, except such acts as have passed by this, the fifty-first general assembly; and that this act take effect from and after its passage, the public welfare requiring it.

Passed April 22, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 24, 1899, at 5:45 p. m.

BENTON McMILLIN,
Governor.

CHAPTER 433.

HOUSE BILL No. 859.

AN ACT to appropriate money out of the state treasury for the purpose of defraying the expenses of the state government for two years, commencing March 19, 1899, and the expenses of the Fifty-first General Assembly, and other expenses.

SECTION 1. Be it enacted by the General Assembly of the State of Tennessee, that the appropriations hereinafter set out are hereby made for the purpose of defraying the expenses of the State Government for two years, commencing March 19, 1899, and expenses of the Fifty-first General Assembly, and other expenses; which appropriations shall be paid out of the state treasury, on the warrant of the comptroller. The comptroller is hereby expressly forbidden to draw his warrant on the treasury for any amount over and above the amount appropriated for any particular purpose, and he is also forbidden to draw his warrant for any amount for any purpose for which an appropriation has not been made, either in this act or by law. The treasurer is hereby forbidden to pay any warrant of the comptroller, unless money has been appropriated by this act or by law for that purpose, and he shall not permit any more money to be drawn from the treasury than has been appropriated for any particular purpose.

JUDICIARY.

| | |
|---|--------------|
| State prosecutions (cost accrued on behalf of the state) | \$320,000 00 |
| Salaries of the supreme court judges (5), each \$3,500 per annum | 35,000 00 |
| Salaries of the judges of the chancery court of appeals (3), each \$3,500 per annum . . . | 21,000 00 |
| Expenses of the supreme court and court of chancery appeals, which shall include the | |

ADDENDA.

The following in the enrolled appropriation bill was inadvertently omitted in printing:

JUDICIARY.

| | |
|--|-------------|
| Salaries of chancellors of the following chancery divisions, 1st, 3d, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th, each, per annum | \$ 2,500 00 |
| Salaries of circuit court judges of the following judicial circuits: 1st, 2d, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th, 13th, 14th, 17th, 18th, and Knox county | <hr/> |
| Circuit and 2d circuit court of Davidson county, and the following criminal court judges, to wit, for Davidson county, for Shelby county, each, per annum | 2,500 00 |
| Salaries of district attorneys-general of the following circuits, to wit: 1st, 2d, 4th, 5th, 6th, 8th, 9th, 10th, 11th, 12th, 13th, 17th, 18th, criminal courts of Davidson and Shelby counties, each, per annum | 2,500 00 |
| Salaries of assistant district attorneys-general, each, per annum | 1,800 00 |
| Salaries of assistant district attorneys-general, each, per annum | 1,200 00 |

But no appropriation is made herein for any chancellor, criminal, circuit judge or attorney-general who has been removed from office by a concurrent vote of this general assembly, or whose office has been abolished, or whose territory has all been removed from him and assigned to another chancellor, judge, or attorney-general.

| | |
|---|----------|
| pay of marshals, porters, salaries of special judges, stationery, handling books, etc....\$ | 8,000 00 |
| Salary of the state attorney-general and reporter, \$3,000 per annum..... | 6,000 00 |
| Expenses of the state attorney-general and reporter for typewriting, briefs and depositions, etc..... | 250 00 |
| 600 copies of the supreme court reports, — per volume | 1,176 00 |
| Arresting fugitives from justice and capturing escaped convicts..... | 3,000 00 |
| Repairs on supreme court chamber, painting, chairs, iron gate to record room, etc..... | 500 00 |

OFFICE OF GOVERNOR.

| | |
|---|----------|
| Salary of Governor, \$4,000 per annum.....\$ | 8,000 00 |
| Salary of Private Secretary, \$1,500 per annum | 3,000 00 |
| Salary of stenographer, \$720 per annum.... | 1,440 00 |
| Office expenses—such as stamps, telegraphing, long distance telephoning, expressage, and blank books..... | 600 00 |
| Publishing Governor's proclamations..... | 200 00 |
| Printing, stationery, messages, blank forms, requisitions, and other necessary printing. | 300 00 |

OFFICE OF STATE TREASURER.

| | |
|--|----------|
| Salary of Treasurer, \$3,500 per annum..... | 7,000 00 |
| Salary of clerk, \$1,800 per annum..... | 3,600 00 |
| Salary of stenographer, \$720 per annum.... | 1,440 00 |
| Office expenses—such as stamps, telegraphing, long-distance telephoning, expressage, and blank books | 800 00 |
| Publishing treasurer's quarterly report in newspapers | 1,800 00 |
| Repairs of office, carpet, painting office, and partition..... | 400 00 |
| New York exchange and collection of checks. | 1,000 00 |
| Printing, stationery, blank forms, biennial report, and other necessary printing..... | 500 00 |

OFFICE OF SUPERINTENDENT OF PUBLIC IN- STRUCTION.

| | |
|---|-------------|
| Salary of superintendent \$2,000 per annum. | \$ 4,000 00 |
| Salary of clerk, \$1,000 per annum..... | 2,000 00 |
| Stenographer, \$400 per annum..... | 800 00 |
| Traveling expenses of superintendent while in actual discharge of his official duties, to be itemized and sworn to..... | 1,000 00 |
| Office expenses, such as stamps, telegraph- ing, long distance telephoning, expressage and blank books..... | 600 00 |
| State normal institute, \$2,500 per annum.... | 5,000 00 |
| Printing, stationery, blank forms, school law, school supplies, diplomas, annual report and other necessary printing..... | 8,000 00 |
| Expenses state board of education, \$300 per annum, or so much thereof as is necessary | 600 00 |
| (The above appropriations shall be paid out of the public school fund.)..... | |
| For carrying into effect school book law, as per senate bill No. 306, \$1,000, to be paid out of the public school fund. | |

OFFICE OF COMMISSIONER OF AGRICULTURE.

| | |
|---|------------|
| Salary of commissioner, \$2,500 per annum | \$5,000 00 |
| Salary of assistant commissioner (3), each \$1,000 per annum..... | 6,000 00 |
| Salary of clerk, \$1,350 per annum..... | 2,700 00 |
| For holding farmers' institutes, \$2,500 per annum..... | 5,000 00 |
| Salary of state chemist, \$750 per annum.... | 1,500 00 |
| Office expenses, such as stamps, telegraph- ing, long distance telephoning, expressage, freight, drayage, blank books, analysis of fertilizers, premiums to county fairs, etc. | |
| Printing—stationery, blank forms, fertilizer tags, crop reports, agricultural literature, biennial report, and other necessary print- ing..... | 7,500 00 |

OFFICE OF STATE BOARD OF HEALTH.

| | |
|---|-------------|
| Salary of secretary of board, \$1,800 per an- num..... | \$ 3,600 00 |
|---|-------------|

| | |
|--|-------------|
| Office expenses and actual traveling expenses of commissioner, such as stamps, telegraphing, long distance telephoning, and actual traveling expenses of commissioner while engaged in performing the duties of his office—to be itemized and sworn to | \$ 1,600 00 |
| For printing bureau report for the year 1897, \$350. (This amount is refunded to the credit of the bureau, being paid out of the appropriation allowed for the traveling and incidental expenses for the last two years.) | |
| Printing, stationery, blank forms, annual report, and other necessary printing | 400 00 |

OFFICE OF RAILROAD COMMISSIONERS.

| | |
|---|-------------|
| Salaries of commissioners (3), each \$2,000 per annum | \$12,000 00 |
| Salary of secretary, \$1,500 per annum | 3,000 00 |
| Office expenses and actual traveling expenses of commissioners and secretary, such as stamps, telegraphing, long distance telephoning, typewriting, expressage, fees of witnesses and officers, blank books, maps, books, etc. (the traveling expenses shall only include such amount as is actually paid out for traveling expenses while absent from Nashville in the discharge of official duties, all vouchers to be itemized and sworn to) | 5,000 00 |
| Printing — stationery, assessment schedules, blank forms, annual report, and other necessary printing | 1,000 00 |

OFFICE OF STATE LIBRARIAN.

| | |
|--|-------------|
| Salary of librarian, \$1,000 per annum | \$ 2,000 00 |
| Salary of asst. librarian, \$500 per annum | 1,000 00 |
| Law library (to be expended by sup. court) | 500 00 |
| Office expenses, such as stamps, expressage, cleaning library, etc. | 700 00 |
| Repairs and improvements—bookcases, re-binding books, picture frames, and purchase of books by Tennessee authors | 500 00 |

| | |
|---|----------|
| Printing—stationery, blank forms, and other necessary printing | \$ 25 00 |
|---|----------|

OFFICE OF SUPERINTENDENT OF CAPITOL.

| | |
|---|-------------|
| Salary of superintendent, \$900 per annum .. | \$ 1,800 00 |
| Salary of night watchman, \$600 per annum. | 1,200 00 |
| Salary of engineer, \$1,000 per annum | 2,000 00 |
| Salary of fireman, \$50 per mo. (when needed) | |
| Salary of landscape gardener, \$1.75 per day (when needed). | |
| Salary of porter for capitol, \$360 per annum | 720 00 |
| Salary of porter for offices of governor and secretary of state, \$480 per annum | 960 00 |
| Salary of porter for offices of treasurer and comptroller, \$480 per annum | 960 00 |
| Salary for porter for the offices of commis- sioner of labor, land register, railroad com- missioner, at \$360 per annum. | 720 00 |
| Salary of porter for offices of board of health, superintendent of public instruction, com- missioner of agriculture, and supreme court clerk, \$480 per annum | 960 00 |
| Salary of porter for library, \$480 per annum | 960 00 |
| Office expenses—water, fuel, light, ice, blank books, and contingent expenses | 8,000 00 |
| Repairs and improvements—roof, steam pipes, etc. | 10,000 00 |
| (To be expended by a commission, composed of the governor, secretary of state, super- intendent of capitol, and secretary of the board of health.) | |

FUNDING BOARD.

| | |
|---|--------------|
| Funding board expenses, including all neces- sary and actual traveling expenses, clerk hire, pasting coupons, and all other neces- sary expenses, all expenses to be itemized, the total not to exceed \$5,000 per annum. | \$ 10,000 00 |
|---|--------------|

STATE PENITENTIARY.

| | |
|--|-----------|
| Salaries of commissioners (3), each \$2,500 per annum | \$ 15,000 |
|--|-----------|

| | |
|---|----------|
| Salary of warden (main prison) \$1,200.....\$ | 2,400 00 |
| Salary of warden (Brushy Mt.), \$1,000..... | 2,000 00 |
| Salary of physician (main prison), \$1,000... | 2,000 00 |
| Salary of physician (Brushy Mt.), \$600..... | 1,200 00 |
| Salary of chaplain (main prison), \$500 per annum | 1,000 00 |
| Salary of chaplain (Brushy Mt.), \$250 per annum | 500 00 |
| Salary of matron (main prison), \$300 per annum | 600 00 |
| Expenses and maintenance as now provided by law. | |

EDUCATION.

| | |
|---|------------|
| State Normal College, \$20,000 per annum..\$ | 40,000 00 |
| Scholarships of negro schools (66), each \$50 per annum | 6,600 00 |
| Public schools—interest on the public school fund of \$2,512,500 @ 6 per cent., \$150,750 per annum | 301,500 00 |
| Public schools in Dickson and Humphreys counties—interest on Spencer T. Hunt fund of \$7,402.75 @ 6 per cent., \$444.16 per annum | 888 33 |

BLIND SCHOOL.

| | |
|---|-----------|
| Each student, per annum, \$175, payable \$17.50 per school month, not to exceed ten months per annum. | |
| Repairs and improvements, wing to building, two new boilers and boiler house, painting building, etc.....\$ | 15,000 00 |

DEAF AND DUMB SCHOOL.

| | |
|---|----------|
| Each student, per annum, \$165, payable \$16.50 per school month, not to exceed ten months per annum. | |
| Repairs and improvements—general..... | 500 00 |
| 'or hospital building and furnishing same... | 5,000 00 |

MISCELLANEOUS.

| | |
|--|-----------|
| J. S. Crain, for arresting Wm. and Victor Hillis, of Warren county | \$ 100 00 |
| Isaac Cates, for arresting Wesley Williams and Amanda Buckner, of Cocke county .. | 122 80 |
| W. B. Sammons, for arresting Andy Whitehome, of Hardiman county | 79 00 |
| B. F. Jones, of Gibson county, for actual expenses for arresting A. L. David, etc..... | 40 95 |
| W. B. Sammons, for conveying Bart Green from the Nashville jail to Jackson..... | 35 80 |
| Mrs. J. H. Kirby, for horse | 50 00 |
| Jackson county, illegally collected taxes | 989 11 |
| Clay county, illegally collected taxes | 673 78 |
| W. H. Carroll and Casselberry & Martin, for attorneys' fee..... | 700 00 |
| Obion county, pro rata of the \$30,000 paid in the M. & O. compromise..... | 2,571 40 |
| Gibson county pro rata of the \$30,000 paid in on the M. & O. compromise..... | 2,571 40 |
| Madison county pro rata of the \$30,000 paid in on the M. & O. compromise..... | 2,571 40 |
| Chester county pro rata of the \$30,000 paid in on the M. & O. compromise..... | 1,714 29 |
| McNairy county pro rata of the \$30,000 paid in on the M. & O. compromise..... | 2,142 86 |
| Crockett county pro rata of the \$30,000 paid in on the M. & O. compromise..... | 535 70 |
| Union City pro rata of the \$30,000 paid in on the M. & O. compromise..... | 857 14 |
| Trenton pro rata of the \$30,000 paid in on the M. & O. compromise..... | 535 86 |
| Humboldt pro rata of the \$30,000 paid in on the M. & O. compromise..... | 535 86 |
| Rutherford pro rata of the \$30,000 paid in, on the M. & O. compromise..... | 214 00 |
| Jackson pro rata of the \$30,000 paid in on the M. & O. compromise..... | 1,071 40 |
| Selmer pro rata of the \$30,000 paid in on the M. & O. compromise..... | 214 28 |
| W. K. Armstrong, clerk and master Hawkins county, illegally collected revenue..... | 139 60 |
| Turney, T. A., county court clerk, illegally collected revenue..... | 384 23 |

Tennessee Land Co., collection of delinquent taxes, made by him through federal court, the same being recommended for payment by committee examining the books of comptroller and treasurer.

For Jno. I. Cox, \$69.89, for amount he had twice paid through mistake, the same being twice credited to the county court clerk of Washington county, the same being recommended for payment by committee examining the books of comptroller and treasurer.

| | | | |
|--|----|-----|----|
| To Marshall & Bruce Co., amount bill, printing, etc., for J. A. Harris, comptroller... | \$ | 36 | 65 |
| W. J. Boylin & Son, printing school book bill..... | | 44 | 00 |
| Rozier & Hein, privilege tax refunded..... | | 25 | 00 |
| Bob Swett, for arresting convicts..... | | 25 | 00 |
| Bob Hann, for arresting convict..... | | 25 | 00 |
| For topographical survey of Stone's river battlefield..... | | 300 | 00 |
| Tucker & Douglass, carpet for engrossing clerk's office..... | | 56 | 00 |
| Brandon Printing Co., for printing and supplies for office of land register..... | | 97 | 05 |

Sec. 2. Be it further enacted, That a sufficient sum be, and is hereby, appropriated out of any funds in the state treasury not otherwise appropriated to feed, clothe and guard, transfer and recapture, or otherwise maintain and employ the convicts of the state.

Sec. 3. Be it further enacted, That the comptroller issue his warrant on the state treasurer for interest due July 1, 1899; October, 1, 1899; January 1, 1900; April 1, 1900; July 1, 1900; October, 1, 1900; January 1, 1901, on the bonds comprising the state debt, as the same may be payable by statute.

Sec. 4. Be it further enacted, That the comptroller issue his warrant on the state treasurer for the payment the interest due July 1, 1899; January 1, 1900; July 1, 1900; January 1, 1901, on bonds and certificates of indebtedness held by charitable, literary or educational institutions in this state, as same may be due by existing laws; provided, That the comptroller and treasurer be, and they are, hereby, authorized and directed to credit off the various accounts, for the respective balances that stand charged

expenses provided herein, and purporting to have accrued after the adjournment of the present general assembly, it shall be unlawful for the comptroller of the state to issue his warrant therefor, unless a statement is filed in his office, showing the expense specifically and by items, and that the same was necessary, and actually disbursed and expended, which statement shall be verified by oath of claimant, and made before some person competent to administer an oath.

SEC. 9. Be it further enacted, That hereafter the commissioner of agriculture shall keep a record of, and shall account for, all fertilizer tags sold by him. That to do this, he shall have said tags printed, and, if necessary, bound in suitable books, with coupons attached. Each tag shall be numbered, from No. 1 on up, and the coupon shall be a corresponding number. All tags sold shall be charged in the books of said office to the proper purchaser; the item to state the smallest and largest number of each lot (inclusive) bought and sold by said individual or firm. Said coupons shall be retained by him, together with said record of sales, subject to inspection at all times. The cost of printing said tags and coupons shall be paid out of the fertilizer fund.

SEC. 10. Be it further enacted, That it shall be unlawful for the comptroller of the State of Tennessee to issue his warrant for any claim or demand against the State of Tennessee, unless the same is fully, specifically, and exactly itemized, and also sworn to before some person competent to administer an oath; and the auditing or approval of such claim or demand by any officer of the State or any department thereof, shall be ineffectual as against the above restrictions; Provided, That this clause shall not apply to fixed salaries.

LEGISLATIVE EXPENSES.

Sec. 11. Be it further enacted, That the Comptroller is hereby directed to draw his warrant on the State Treasurer in favor of each member of the Senate and House of representatives and each officer and employe of the General Assembly for per diem and mileage, as herein set out follows:

SENATE.

| NAMES OF SENATORS. | No. of Miles. | Milage. | No. of Days. | Per Diem. | Total. |
|-----------------------|---------------|----------|--------------|-----------|----------|
| Bell, W. E. | 380 | \$ 60 80 | 75 | \$300 | \$360 80 |
| Boyd, A. W. | 190 | 30 40 | 75 | 300 | 330 40 |
| Buchanan, C. | 250 | 40 00 | 75 | 300 | 340 00 |
| Butler, R. R. | 824 | 131 84 | 75 | 300 | 431 84 |
| Caldwell, T. B. | 464 | 74 24 | 75 | 300 | 374 24 |
| Chambers, W. R. | 60 | 9 60 | 75 | 300 | 309 60 |
| Chambliss, A. W. | 302 | 48 32 | 75 | 300 | 348 32 |
| Cole, R. P. | 243 | 38 88 | 75 | 300 | 338 88 |
| Dismukes, Z. T. | 60 | 9 60 | 75 | 300 | 309 60 |
| Eaton, A. B. | 500 | 80 00 | 75 | 300 | 380 00 |
| Eldridge, W. B. | 464 | 74 24 | 75 | 300 | 374 24 |
| Francisco, A. J. | 644 | 103 04 | 75 | 300 | 403 04 |
| Gilmore, M. B. | 310 | 49 60 | 75 | 300 | 349 60 |
| Graham, J. M. | 140 | 22 40 | 75 | 300 | 322 40 |
| Hill, L., Jr. | 550 | 88 00 | 75 | 300 | 388 00 |
| Hobbs, J. C. | 186 | 29 76 | 75 | 300 | 329 76 |
| Jarvis, E. | 260 | 41 60 | 75 | 300 | 341 60 |
| Mann, H. A. | 528 | 84 48 | 75 | 300 | 384 48 |
| Meeks, M. H. | | | 75 | 300 | 300 00 |
| Morgan, L. B. | 140 | 22 40 | 75 | 300 | 322 40 |
| Padgett, L. P. | 94 | 15 04 | 70 | 280 | 295 04 |
| Reaves, J. R. | 400 | 64 00 | 75 | 300 | 364 00 |
| Seay, Ed. T. | 52 | 8 32 | 75 | 300 | 308 32 |
| Slack, Jno. | 790 | 126 40 | 75 | 300 | 426 40 |
| Taylor, James | 528 | 84 48 | 75 | 300 | 384 48 |
| Thompson, John | | | 75 | 300 | 300 00 |
| Thompson, T. L. | 134 | 21 44 | 75 | 300 | 321 44 |
| Tipton, W. S. | 362 | 57 92 | 75 | 300 | 357 |
| Turner, A. E. | 378 | 60 48 | 75 | 300 | 360 |
| Tuteur, W. R. | 360 | 57 60 | 75 | 300 | 357 |
| Warfield, C. P. | 120 | 19 20 | 75 | 300 | 319 |
| Whitson, W. V. | 210 | 33 60 | 75 | 300 | 333 |

OFFICERS OF SENATE.

| NAMES OF SENATORS. | No. of Miles. | Mileage. | No. of Days. | Per Diem. | Total. |
|--|---------------|----------|--------------|-----------|----------|
| Waddell, Seid, | | | | | |
| speaker | 312 | \$ 49 92 | 75 | \$300 00 | \$499 92 |
| Kirby, James, chief clerk | | | 75 | 450 00 | 450 00 |
| Morris, W. L., assistant clerk | | | 75 | 450 00 | 450 00 |
| Kuhn, Miss Flora, engrossing clerk | | | 78 | 450 00 | 468 00 |
| Peyton, Miss Jessie, assistant eng. clerk | | | 40 | 240 00 | 240 00 |
| Hobbs, J. C., chairman of committee on enrolled bills | | | | | 75 00 |
| Sullivan, J. O., chaplain | | | 75 | 200 00 | 200 00 |
| Morgan, Barclay, sergeant-at-arms | | | 102 | 408 00 | 408 00 |
| Hart, Winslow, page | | | 75 | 187 50 | 187 50 |
| Tibbs, Jimmie, page | | | 75 | 187 50 | 187 50 |
| Carr, Ben, porter in the senate | | | 62 | 155 00 | 155 00 |
| Cochrahan, Jim, porter in the senate | | | 49 | 122 50 | 122 50 |
| Morris, Scott, porter in the senate | | | 40 | 100 00 | 100 00 |
| King, Nelson, porter in the senate | | | 40 | 100 00 | 100 00 |
| Muirhead, Andrew, porter, water closet | | | 104 | 260 00 | 260 00 |
| Davis, Tom, porter, water closet | | | 51 | 127 50 | 127 50 |
| White, Alfred, porter, water closet | | | 55 | 137 50 | 137 50 |

HOUSE OF REPRESENTATIVES.

| NAMES OF REPRESENTATIVES. | No. of Miles. | Mileage. | No. of Days. | Per Diem. | Total. |
|---------------------------|---------------|----------|--------------|-----------|----------|
| Akin, J. H. | 60 | \$ 9 60 | 75 | \$300 | \$309 60 |
| len, W. G. | 464 | 74 24 | 75 | 300 | 374 24 |
| ggett, John | 144 | 23 04 | 75 | 300 | 323 04 |
| ker, J. S. | 584 | 93 44 | 75 | 300 | 393 44 |
| abson, O. M. | 710 | 113 60 | 75 | 300 | 413 60 |
| ward, L. J. | 100 | 16 00 | 75 | 300 | 316 00 |
| llock, E. L. | 310 | 49 60 | 75 | 300 | 349 60 |
| k, H. C. | 306 | 48 96 | 75 | 300 | 348 96 |

| NAMES OF REPRESENTATIVES. | No. of Miles. | Mileage. | No. of Days. | Per Diem. | Total. |
|----------------------------|---------------|-----------|--------------|-----------|----------|
| Hill, A. E | | | 75 | \$300 | \$300 00 |
| Hurt, G. P 350 | | \$ 56 00 | 75 | 300 | 356 00 |
| Hurt, R 556 | | 88 96 | 75 | 300 | 388 96 |
| Hutchinson, J. H. C. 490 | | 78 40 | 75 | 300 | 378 40 |
| Jones, Grady 176 | | 28 16 | 75 | 300 | 328 16 |
| Johnson, J. D 376 | | 60 16 | 75 | 300 | 360 16 |
| Johnson, D. M 106 | | 16 96 | 75 | 300 | 316 96 |
| Kelly, M 464 | | 74 24 | 75 | 300 | 374 24 |
| Kimbrough, V 526 | | 84 16 | 75 | 300 | 384 16 |
| Kinney, William . . . 346 | | 55 36 | 75 | 300 | 355 36 |
| Lamon, D 326 | | 52 16 | 75 | 300 | 352 16 |
| Lashlee, A. P 174 | | 27 84 | 75 | 300 | 327 84 |
| Lassing, H. C | | | 75 | 300 | 300 00 |
| Lassiter, L. H 434 | | 69 44 | 75 | 300 | 369 44 |
| Latture, W. E 786 | | 125 76 | 75 | 300 | 425 76 |
| Malone, W. B 390 | | 62 40 | 75 | 300 | 362 40 |
| Marshall, R. D 16 | | 2 56 | 75 | 300 | 302 56 |
| Marshall, J. K. P . . 360 | | 57 60 | 75 | 300 | 357 60 |
| Matthews, W. J . . . 210 | | 33 60 | 75 | 300 | 333 60 |
| Meredith, D. M . . . 260 | | 41 60 | 75 | 300 | 341 60 |
| Moore, C. C 258 | | 41 28 | 75 | 300 | 341 28 |
| Muse, W. J 126 | | 20 16 | 75 | 300 | 320 16 |
| McCorkle, J. J 774 | | 123 89 | 75 | 800 | 423 89 |
| McKenzie, B. G . . . 379 | | 60 64 | 75 | 300 | 360 64 |
| Newsom, S. T 34 | | 5 44 | 75 | 300 | 305 44 |
| Neil, A. B 134 | | 21 44 | 75 | 300 | 321 44 |
| Norfleet, M. B 464 | | 74 24 | 75 | 300 | 374 24 |
| Norris, A. D 80 | | 12 80 | 75 | 300 | 312 80 |
| Oliver, H. L 114 | | 18 20 | 75 | 300 | 318 20 |
| Pardue, L. J 54 | | 8 64 | 75 | 300 | 308 64 |
| Peck, R. L 58 | | 9 28 | 75 | 300 | 309 28 |
| Porter, W. T 125 | | 20 00 | 75 | 300 | 320 00 |
| ed, W. D 640 | | 102 40 | 75 | 300 | 402 40 |
| ce, J. W 200 | | 32 00 | 75 | 300 | 332 00 |
| agle, J. L 310 | | 49 60 | 75 | 300 | 349 60 |
| idmore, A. J 160 | | 27 20 | 75 | 300 | 327 20 |
| nith, W. A 130 | | 20 80 | 75 | 300 | 320 80 |
| arkman, J. C 270 | | 43 20 | 75 | 300 | 343 20 |
| amps, J. C 664 | | 106 24 | 75 | 300 | 406 24 |

FOR ENGROSSING.

| | No. of Days. | Per Diem. | Total. |
|-----------------|--------------|-----------|---------|
| Cowan..... | 3 | \$18 00 | \$18 00 |
| Bissett..... | 3 | 18 00 | 18 00 |
| W. Sawrie..... | 3 | 18 00 | 18 00 |
| Additional..... | | 24 00 | 24 00 |

zc. 12. Be it further enacted, That the comptroller is by directed to draw his warrant on state treasurer for miscellaneous expenses, as set out below:

MISCELLANEOUS LEGISLATIVE EXPENSES.

| | |
|---|------------|
| Printing House and Senate journals..... | \$1,500 00 |
| W. Williams, repairing locks, keys, desk, and fe | 14 60 |
| Slips & Buttorff Mfg. Co., various articles for senate chamber..... | 4 35 |
| Staley, Alf, hall porter, 45 days..... | 112 50 |
| Staley, Ben, hall porter, 30 days..... | 75 00 |
| Staley, Martin, hall porter, 39 days..... | 97 50 |
| Staley, Mac, hall porter, 72 days..... | 180 00 |
| Staley & Webb, printing 200 copies senate bill. Staley, Mann, services as clerk in organization of senate; S. R. No. 4..... | 88 56 |
| Staley, W. L., services as sergeant-at-arms in organization of senate; S. R. No. 4..... | 20 00 |
| Staley, Martin, services as porter in organiza- tion of senate; S. R. No. 4..... | 15 00 |
| Staley, Ed, services as porter in organization of senate; S. R. No. 4..... | 15 00 |
| Staley, Wm., services as porter in organiza- tion of house; H. R. No. 12..... | 17 50 |
| Staley, Robert, porter, commissioner of public instruction..... | 55 00 |
| Staley, Wm., services as porter in organization house; H. R. No. 12..... | 17 50 |
| Staley, Lewis, hall porter, 104 days..... | 260 00 |

| | |
|---|----------|
| Hays, Jim, 5 days..... | \$ 12 50 |
| Peak, A., hall porter..... | 92 50 |
| Cole, Chas., services as sergeant-at-arms in organization of house; H. R. No. 14..... | 20 00 |
| Stubblefield, H. B., porter water closet, 26 days. | 65 00 |
| Tansel, Miss Mamie, engrossing bills..... | 12 00 |
| Lauderdale, Mr. Harry, engrossing bills..... | 10 00 |
| Peyton, J. W., engrossing bills..... | 4 00 |
| Johnson, H. W., engrossing bills..... | 4 00 |
| Additional help to engrossing clerk, Senate..... | 20 00 |
| Cumberland Electric Light and Power Co., from 1st to 19th of March..... | 138 82 |
| City of Nashville water tax, from 1st to 19th of March..... | 14 81 |
| Consumers' Ice Company, from 1st to 19th of March..... | 3 34 |
| Overton & Bush, coal, from 1st to 19th of March | 52 06 |
| Cassetty Coal Co., from 1st to 19th of March.... | 24 31 |
| McEwen's Supply Co., 1st to 19th of March.... | 6 08 |
| Foster & Webb (printer), March 19..... | 8 00 |
| B. S. Williams (printer), March 19..... | 10 00 |
| Jas. A. Haley, to the 19th of March..... | 3 75 |
| Weil Bros., from 1st to 19th..... | 7 08 |
| Warren Bros., from 1st to 19th..... | 3 00 |
| Herriford Transfer..... | 2 00 |
| Edgar Drake..... | 1 00 |
| Phillips, Buttorff & Co..... | 19 35 |
| W. R. Cornelius, inauguration expenses..... | 20 00 |

SEC. 13. Be it further enacted, That the chief clerk of the house be directed to remain a sufficient time after the adjournment of the General Assembly to file properly the papers of the house with the secretary of state, to recopy journal of the house for the public printer, read the proof, superintend the printing of the house journal, and make index to same, for which the sum of \$1,500 is hereby appropriated, and for such services the comptroller is authorized to issue his warrant on the treasurer for said sum, in favor of said clerk; and that the assistant clerk shall remain and assist the chief clerk in recopying the house journal, and for such services he shall be allowed \$700, and the comptroller is authorized to draw his warrant in favor of said clerk when he shall have completed said work.

SEC. 14. Be it further enacted, That the chief clerk of the senate be, and is hereby, authorized and directed to remain a sufficient time after the adjournment of the General Assembly to file properly the papers of the senate with the secretary of state, to copy the journal for the public printer, read proof, superintend the printing of the same, and make the index to the printed journal, and to make a final calendar, for which the sum of \$1,500 is hereby appropriated for such service, and the comptroller is authorized to issue his warrant on the state treasurer for said sum in favor of said clerk; and that the assistant clerk shall remain and assist the clerk in recopying the senate journal, and for such service he shall be allowed \$700, and the comptroller is hereby authorized to issue his warrant on the treasurer for said amount when the work is completed.

SEC. 14a. Be it further enacted, That there is appropriated to the U. S. Grant Memorial University at Chattanooga, four hundred and ninety-six dollars, being the amount of taxes erroneously assessed against the university for the years, 1892, 1893, 1896, 1897, and 1898, on a block of property forming a part of the university campus in Chattanooga, Tennessee, which block is bounded, north by Vine Street, south by Oak Street, east by Baldwin Street, and west by Douglass Street.

No money will be paid out on account of this appropriation, unless said university should elect to pay said taxes into the state treasury, whereupon, the amount paid in shall be repaid to said university in full of this appropriation.

INVESTIGATING COMMITTEES.

□ Sec. 15. Be it further enacted, That the comptroller is hereby directed to draw his warrant on the state treasurer in favor of the members of the following committees for their per diem and expenses of same, as herein below set out.

REVENUE AND ASSESSMENT COMMITTEE.

| | |
|-------------------------------|-----------|
| Waldwell, T. B., 26 days..... | \$ 104 00 |
| Wismukes, Z. T., 26 days..... | 104 00 |
| Wraham, J. M., 26 days..... | 104 00 |

| | |
|---|--------------------|
| Thompson, T. L., 26 days..... | \$ 104 00 |
| Beck, H. C., 26 days | 104 00 |
| Bullock, E. L., 26 days..... | 104 00 |
| Fry, Jno. W., 26 days..... | 104 00 |
| Greer, C. D. M., 26 days | 104 00 |
| Webb, R. P., 26 days..... | 104 00 |
| White, N. H., 26 days..... | 104 00 |
| Expenses of each member, \$39 | 390 00 |
| Expenses of committee for typewriting and room at Tulane Hotel | 120 25 |
| Total..... | \$ 1,550 25 |

EDUCATIONAL COMMITTEE.

| | |
|---|-------------------|
| Eldridge, W. B., 18 days..... | \$ 72 00 |
| Gilmore, M. B., 18 days..... | 72 00 |
| Reaves, J. R., 18 days..... | 72 00 |
| Taylor, James, 18 days | 72 00 |
| Cooper, S. M., 18 days | 72 00 |
| Copeland, R. M., 18 days | 72 00 |
| Henderson, W. B., 18 days..... | 72 00 |
| Johnson, D. M., 18 days..... | 72 00 |
| Meredith, D. M., 18 days | 72 00 |
| Towry, T. F., 18 days..... | 72 00 |
| Expense of each member, \$48.50 | 485 00 |
| Expense of committee for typewriting and liv- ery in Knoxville | 59 15 |
| Total..... | \$1,264 15 |

AGRICULTURAL COMMITTEE.

| | |
|-------------------------------|---------------|
| Buchanan, C., 7 days | \$ 28 00 |
| Thompson, John, 6 days..... | 24 00 |
| Warfield, C. T., 6 days | 24 00 |
| Akin, J. H., 6 days | 24 |
| Lature, W. E., 6 days..... | 24 |
| Newsom, S. F., 6 days..... | 24 |
| Tharp, H. B., 8 days | 32 |
| Expense of committee..... | 117 |
| Total..... | \$ 297 |

PENITENTIARY COMMITTEE.

| | |
|---------------------------------------|-------------|
| , A. W., 18 days..... | \$ 72 00 |
| W., 18 days..... | 72 00 |
| T., 18 days..... | 72 00 |
| A. E., 18 days..... | 72 00 |
| . C., 18 days..... | 72 00 |
| Thomas, 18 days..... | 72 00 |
| P., 18 days..... | 72 00 |
| A. P., 18 days..... | 72 00 |
| W. J., 18 days..... | 72 00 |
| . A., 18 days..... | 72 00 |
| of committee..... | 349 00 |
| accountant, per diem and expenses.... | 261 00 |
| <hr/> | |
| total..... | \$ 1,830 00 |

MITTEE TO INVESTIGATE REVENUE AGENTS.

| | |
|-------------------------------------|-----------|
| s, A. W., 10 days..... | \$ 40 00 |
| ames, 10 days..... | 40 00 |
| . H., 25 days..... | 100 00 |
| R. H., 18 days..... | 72 00 |
| n, C. C., 18 days..... | 72 00 |
| nber's expenses, \$1.25 per day.... | 101 25 |
| of committee..... | 65 30 |
| <hr/> | |
| tal..... | \$ 490 55 |

MITTEE ON CHARITABLE INSTITUTIONS.

| | |
|------------------------|-------------|
| s, W. R., 19 days..... | \$ 76 00 |
| . C., 19 days..... | 76 00 |
| orace, 19 days..... | 76 00 |
| W. V., 19 days..... | 76 00 |
| . W., 19 days..... | 76 00 |
| . A., 19 days..... | 76 00 |
| I. G., 19 days..... | 76 00 |
| J. D., 19 days..... | 76 00 |
| R. D., 19 days..... | 76 00 |
| . J., 19 days..... | 76 00 |
| of committee..... | 343 61 |
| <hr/> | |
| tal..... | \$ 1,103 61 |

REDISTRICTING COMMITTEE.

| | | |
|--|----|-------|
| Vernon Sharp, deputy sergeant-at-arms, expenses of trip to Memphis to serve Chancellor Lee Thornton..... | \$ | 26 80 |
| Four days, at \$4..... | | 16 00 |
| | \$ | 42 80 |
| J. G. Hunter, deputy sergeant-at-arms, expenses of two trips to Dickson to serve Judge W. L. Grigsby and Attorney-general Leech..... | \$ | 32 25 |
| Seven days, at \$4..... | | 28 00 |
| | \$ | 60 25 |
| D. R. Carpenter, deputy sergeant-at-arms, expense of trip to Chattanooga to serve Judge T. A. R. Nelson and Attorney-general E. F. Mynatt..... | \$ | 22 50 |
| Two days, at \$4..... | | 8 00 |
| | \$ | 30 50 |
| W. P. Moore, deputy sergeant-at-arms, trip to Clarksville to serve Judge C. W. Tyler and Attorney-general T. F. Martin, expenses.... | \$ | 2 00 |
| Two days, at \$4..... | | 8 00 |
| | \$ | 10 00 |
| W. B. Morgan, sergeant-at-arms of Senate, actual expense incurred in serving notice on T. A. R. Nelson and E. F. Mynatt..... | \$ | 97 34 |
| R. B. Williams, expenses to Lexington..... | | 9 00 |
| Robert Pflange, expenses to Loudon..... | | 31 00 |
| G. J. Adams, expenses to Rogersville..... | | 26 40 |
| Sheriff Fox, of Knox county, special deputy... | | 50 00 |
| Expenses actually incurred and paid by W. B. Morgan, sergeant-at-arms of the Senate, in the matter of serving notice on judges and attorneys-general, under, and by virtue of, House Joint Resolutions, No. 106, etc.: | | |
| Railroad fare from Nashville to Chattanooga and return..... | | 9 |
| Two meals at Chattanooga..... | | |
| Railroad fare from Chattanooga to Knoxville and return..... | | |

| | |
|---|--------------|
| Meals and lodging at Knoxville..... | \$ 3 00 |
| Railroad fare from Knoxville to Blue Ridge and return..... | 3 66 7 32 |
| Railroad fare of E. E. Houk from Knoxville to Blue Ridge..... | 3 66 |
| Railroad fare from Blue Ridge to Murphey, N. C., and return..... | 1 50 |
| Meal at Blue Ridge..... | 40 |
| Lodging and meals at Murphey, N. C..... | 1 50 |
| | <hr/> |
| | \$ 33 79 |

| | |
|---|----------|
| Telegraph..... | \$ 1 55 |
| For copy of resolutions..... | 2 00 |
| Paid to B. Odum, special assistant sergeant-at- arms..... | 25 00 |
| Paid to E. E. Houk, special assistant sergeant- at-arms..... | 35 00 |
| | <hr/> |
| | \$ 97 34 |

| | |
|-----------------------------|-----------|
| B. Odum, 3 days at \$4..... | 12 00 |
| | <hr/> |
| | \$ 109 34 |

| | |
|-------------------------------------|-----------|
| Wm. Kinney, 38 days at \$4..... | \$ 152 00 |
| R. L. Peck, 38 days at \$4..... | 152 00 |
| B. G. McKenzie, 38 days at \$4..... | 152 00 |
| H. C. Lassing, 38 days at \$4..... | 152 00 |
| M. H. Meeks, 38 days at \$4..... | 152 00 |
| W. E. Bell, 38 days at \$4..... | 152 00 |
| E. Jarvis, 38 days at \$4..... | 152 00 |

EXPENSES OF COMMITTEE ON REORGANIZA- TION OF THE JUDICIARY.

All expenses of the committee, including hotel bills, railroad fares, stamps, stationery, printing, amount paid R. L. Cole, stenographer, as per diem and expenses on trip to Memphis and Jackson, typewriting, printing, Tulane Hotel for committee rooms, as per bill rendered, which same has been drawn out of the treasury under S. J. R. No. —, and paid.....\$1,167 87

**EXPENSES OF COMMITTEE TO INVESTIGATE
THE OFFICE OF COMPTROLLER
AND TREASURER.**

| | |
|--|------------|
| G. W. Wade, per diem and expenses, 33 days. | \$ 181 50 |
| A. B. Niel, per diem and expenses, 33 days... | 181 50 |
| J. C. Sparkman, per diem and expenses, 33 days | 181 50 |
| W. V. Whitson, per diem and expenses 5 days | 27 50 |
| L. P. Padgett, per diem and expenses, 15 days | 87 50 |
| J. H. Lightfoot, expert accountant, 90 days... | 450 00 |
| Frank Goodman, expert accountant, 90 days... | 450 00 |
| Mrs. L. C. Clark, stenographer..... | 26 85 |
| Marshall & Bruce Co., printing | 5 60 |
| Postage | 10 00 |
| | <hr/> |
| | \$1,600 10 |
| Less | 3 15 |
| | <hr/> |
| | \$1,596 95 |

| | |
|---|----------|
| Expenses of committee appointed under Senate Joint Resolution No. 39 to investigate damage claim at Brushy Mountain..... | \$ 70 00 |
| Thos. Finly, Senator Boyd, and J. W. Rice, a special committee to investigate the claim for damages by citizens at Brushy Mountain, shall be allowed for three days extra time \$12 each | 36 00 |

**COMMITTEE APPOINTED TO EXAMINE BOARD
OF PENSION EXAMINERS.**

| | |
|---------------------------------|----------|
| L. B. Morgan, three days..... | \$ 12 00 |
| A. D. Norris, three days..... | 12 00 |
| A. J. Skidmore, three days..... | 12 00 |
| Committee expenses..... | 11 25 |
| | <hr/> |
| | \$ 47 25 |

**COMMITTEE TO EXAMINE THE BUREAU OF
AGRICULTURE AND COMMISSIONER
OF LABOR'S OFFICE.**

| | |
|----------------------------------|-------|
| John Thompson, three days..... | \$ 12 |
| C. P. Warfield, three days | 12 |
| A. D. Collier, three days..... | 12 |

| | |
|--|----------|
| Essary, three days..... | \$ 12 00 |
| Wilson, three days..... | 12 00 |
| Watson, three days..... | 12 00 |
| Uses of committee for typewriting..... | 4 00 |

c. 16. Be it further enacted, That this Act take effect and after its passage, the public welfare requiring it. Passed April 22, 1899.

JOS. W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 24, 1899,

BENTON McMILLIN,
Governor.

CHAPTER 434.

SENATE BILL No. 305.

AN ACT to amend an act entitled "An act to amend the acts incorporating the town of Gallatin, in the county of Sumner, and for other purposes," being chapter 163 of the Acts of 1855-6, so as to give the recorder of said town certain jurisdiction, and to give the mayor and aldermen of the town of Gallatin the right and power to enact certain by-laws and ordinances, additional to the ones granted in said act.

Section 1. Be it enacted, by the General Assembly of the State of Tennessee, That sub-section 25 of section 8 of an act of the general assembly of the State of Tennessee, passed February 29, 1856, the same being chapter 163 of the Acts of 1855-6, entitled "An act to amend the acts incorporating the town of Gallatin, in the county of Sumner, and for other purposes," be amended by striking out the word "mayor," wherever it occurs in said sub-section 25, of section 8, and inserting the word "recorder." And it is now provided that from and after the taking effect of this act the recorder of said town shall have the jurisdiction of all offenses, civil or criminal, arising under the by-laws and ordinances which the mayor of said town now has.

Sec. 2. Be it further enacted, That in addition the powers conferred in said act, said mayor and dermen shall have full power and authority to enact such by-laws and ordinances as may be for the general welfare of the citizens of said town, and as may be necessary to preserve the health, quiet, good order and good morals of the town, and to protect and serve the property of its citizens.

Sec. 3. Be it further enacted, That this act take effect on and after December 1, 1899, the public welfare requiring it.

Passed March 29, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Returned by the governor without action, the bill having been in his hands more than five days.

JAS. A. KIRBY,
Chief Clerk of the Senate.

CHAPTER 435.

HOUSE BILL No. 865.

AN ACT to provide more just and equitable laws for the assessment and collection of revenue for state, county, and municipal purposes, and to repeal all laws in conflict with the provisions of this act, whereby revenue is collected from the assessment of real estate, personal property, privileges and polls.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, That all property, real, personal and mixed, shall be assessed for taxation for State, County and Municipal purposes, except such as is declared exempt in the next Section.

Exemptions. SEC. 2. BE IT FURTHER ENACTED, That the property herein enumerated and none other, shall be exempt from taxation:

(1.) All property of the United States, all property of the State of Tennessee, of any county of said State, or of any incorporated city, town or taxing district in the State that is used exclusively for public or municipal corporation purposes.

(2.) All property belonging to any religious, charitable, scientific or educational institution when used exclusively for the purpose for which said institution was created or is unimproved and yields no income. All property belonging to such institutions, used in secular business and competing with a like business that pays taxes to the State, shall be taxed on its whole or partial value in proportion as the same may be used in competition with secular business.

(3.) All cemeteries, places of burial used as such, and monuments of the dead.

(4.) All roads, streets, alleys and promenades, when condemned, dedicated or thrown open for public travel, use free of charge.

(5.) All growing crops, of whatever nature or kind, direct product of the soil of this State in the hands of

, or his immediate vendee, and manufactured from the produce of this State in the hands of the turer.

Personal property of the value of one thousand dollars in the hands of each resident tax payer.

3. BE IT FURTHER ENACTED, That in order to provide revenue for State, County and Municipal Assessments, when made. , personal property, privileges and polls shall be assessed annually, and real estate shall be assessed every year. The first assessment of real estate under this act shall be made in the year 1900.

4. BE IT FURTHER ENACTED, That all property of every kind shall be assessed at its actual cash value. "Actual cash value." The term, "actual cash value," whenever used in this act is hereby defined to mean the amount of money the property would sell for, if sold at a fair voluntary sale.

5. BE IT FURTHER ENACTED, That the Basis of assessments. all assessments shall be as follows, to wit:

To assess the property to the person or persons claiming to own the same on the tenth day of January of the year for which the assessment is made, if the owner is known; if not, to unknown owners.

To assess the property held by executors and administrators in the county, district or ward in which the decedent resided at the time of death, until such shall have been distributed, but if the deceased lived in another state, the property shall be assessed where the personal representative resides. Executors and administrators.

To assess personal property held by trustees and guardians of minors, married women, and lunatics, to each person or trustee in the county, ward or district where the person, married woman, or lunatic resides, if a resident of the State; and if a nonresident, then in the county, ward or district in which the guardian or trustee resides; and, That guardian funds shall be assessed in the county where the guardian having control thereof renders annual settlements. Trustees and guardians.

All stocks in banks, or banking associations, loan companies, trust companies, insurance companies, investment companies, and all other corporations not assessable by the Railroad Commission shall be assessed as hereinafter provided in sections pertaining to same. However, the property of every street railroad, gas and electric light company, including their franchises, used within any town, city Stock; street railroad, gas, etc., companies

or taxing district where the office of the company is located outside of such incorporated city or town or taxing district, but the main property within the city, shall be taxed in the city, town or taxing district, as if the office were situated within the city limits, and the property, including franchises, of the corporations and joint stock companies that lie wholly or mainly within any incorporated city, taxing district, or town, or whose chief business is within any incorporated city, taxing district, or town, shall be assessed for taxation in such city, taxing district or town, Provided that all realty and tangible personalty shall be taxed in the district where situated.

Mineral and
timber.

(5.) That hereafter all mineral, timber or other interests in fee, in real estate in this State owned separate from the general freehold, shall be assessed to the owner thereof, separate from the other interests in such real estate, which other interests shall be assessed to the owner thereof, all of which shall be assessed as real estate.

Real estate.

SEC. 6. BE IT FURTHER ENACTED, That in assessing real estate, the following shall be shown:

(1.) The description of the property.

(2.) The name of the owner or owners, if known.

(3.) The actual cash value of the land or town lots, including improvements.

(4.) The actual cash value of mills, gins, manufactories, distilleries, breweries, foundries, and other buildings used for similar purposes.

SEC. 7. BE IT FURTHER ENACTED, That in describing real estate, the following rules shall be observed:

Town lots.

The number of town lots (and blocks) of which the property is a whole or a part shall be given; the name of the street, avenue, alley or road on which it fronts, and the front feet thereof, shall be given, unless the size, dimensions, and quantity can be more conveniently given in acres, then to be given in acres. If the property is a part of any known sub-division, the number by which it is known on said sub-division, its size, dimensions, quantity and front feet, or acres shall be given. However, any description, by which the property taxed can be identified shall be sufficient.

Acres tracts,
how described.

In describing tracts of land, when it can be done, the surveyor's district, range, township, section and section sub-division shall be designated, and the number of acres. The lands by which the described tract is bounded shall

an in the assessment. If this cannot be done, of description shall be adopted which will identify the property and its location; and when part of a known division, lot or block of land is assessed by a description which identifies it, any other part of it which is not so identified, shall be held to embrace all the lot, sub-division, lot, or block, not included in the description; but a failure to assess according to this Act shall not vitiate the assessment or sale of lands so made; and parol testimony shall always be admissible to supply a description of land on the assessment roll, or conveyance for taxes where such testimony will show that the land was assessed and sold, and there is enough description on the roll, or conveyance, to be applied to the particular tract or parcel of land by aid of such testimony.

BE IT FURTHER ENACTED, That all property of every kind shall be assessed under the following classification: Personal property.

-Household and kitchen furniture, table ware, wearing apparel, jewelry, sewing machines, musical instruments, and all other personal property of a similar character.

-Farming implements, machinery, wheeled vehicles of all kinds, and all other personal property of a similar character.

-All kinds of live stock and fowls.

-Steamboats, ferryboats, and other kinds of boats.

-The amount of income derived from United States bonds, and all other stocks and bonds not taxed elsewhere.

-All bonds except United States bonds, and all other securities, except when the corporate property or capital is assessed in lieu of the shares of stock as herein provided in sections 22 and 23 of this act.

-Notes, due bills, choses in action, accounts, or any other evidences of indebtedness and claims due and or on deposit, or invested in any manner in any State or elsewhere, not otherwise assessed.

-All other personal property not hereinbefore mentioned.

-All personal property, which is a part of the capital stock in the business of a merchant, commission

, to be paid out of the County Treasury, but shall their compensation exceed twenty-five person assessed with real and personal estate nty cents for each person assessed with per-ly (exceeding one thousand dollars in value), teen cents for each person assessed for real d poll; and five cents for each person legally ll only.

ever any County Assessor finds that he can-Deputies.
ng his entire time and attention to the duties make the assessment of property and polls as is Act, he is hereby authorized to appoint one ties with the same powers, duties and liabilities, and they shall take the same oath re-assessor. The assessor shall be liable for any misfeasance, or nonfeasance of his deputies. shall, within ten days after the end of each affidavit that the employment of such addi-as necessary, and shall give the name of each ie amount of his compensation, and that such is reasonable. Said affidavit shall be filed nty Court Clerk, and become a part of the

In no case shall the aggregate annual com-be deputies of any county assessor exceed the County Assessor.

BE IT FURTHER ENACTED, That eachBond.
sor shall, on or before the first day of January ng his election, enter into a bond with two or d sufficient securities, payable to the State of the sum of twenty-five thousand dollars, and assessor shall in like manner enter into a bond f five hundred dollars, payable to the State of be approved by the County Judge or Chair-ounty Court, conditioned that he shall impari-, and to the best of his knowledge and ability, perties at their actual cash value, impartially y discharge the duties of his office, obey the of his oath of office and of the Assessment State, and pay to the State of Tennessee all very kind and character incurred by him (or in the case of County Assessors), and imposed and also to be liable for any willful, knowing failure by which any property subject to taxa-or remain unassessed, or be assessed at less

than its actual cash value, and shall take and subscribe to the following oath of office before the Judge or Chairman of the County Court, which said oath shall be attached to and filed with said bond in the office of the Clerk of the County Court, viz.:

Oath.

"I, _____, assessor [or deputy assessor] of property and polls of the County of _____ [and civil district of _____ in case of District Assessors] State of Tennessee, do solemnly swear (or affirm) that I will report privileges; that I will assess all property, real, and personal, and mixed, at its actual cash value, and all polls of said County of _____ [or district _____ in County of _____ in case of District Assessors] to the best of my knowledge and ability, without fear, favor or affection; that I will administer the oath or affirmation required by law, or have the same administered, to all persons listing property; that I will diligently inquire so that no person shall be passed over, or shall fail to have an opportunity to give a list of his taxable property, and furnish taxpayers schedules, as required by law; that I will truly report all persons who shall fail or refuse to list their taxable property, or who have, to my knowledge, given in a false or fraudulent list, and that I will faithfully, impartially and honestly discharge my duties as Assessor, according to law, to the best of my knowledge and ability, and that I will administer the oath in person to all property owners as the law requires, when practicable. And that I will not assess or list any person with property or poll solely by substitution or copy from former assessment. So help me God.

Assessor.

Sworn to and subscribed before me this, _____ day of _____.

Each deputy assessor shall likewise take this oath and file the same with the County Court Clerk before entering upon the discharge of his duties.

Each assessor, when he makes his report of his assessment list to the County Court Clerk, hereinafter provided, shall accompany the same with the following oath to be made and subscribed to before the Judge or Chairman of the County, and filed in the office of the Clerk of the County Court, viz.:

Oath to report.

"I, _____, assessor of the County of _____ [or district _____, of the County of _____.

State of Tennessee, do solemnly swear (or affirm) that I have set out in the foregoing assessment lists, all the property, real and personal, and all the privileges and polls in said County of _____, [or district of _____], as far as ascertainable, to the true owners thereof, and that I have required lists to be filled and filed and sworn to by all property owners, or their agents or attorneys and reported such as have not done so to the district attorney, and reported lists of all parties liable for polls, and that I have estimated the value of all property, real and personal, or mixed, at its actual cash value, as prescribed by law, to the best of my knowledge and ability, without fear, favor or affection, and that I have faithfully discharged my duties and kept my oath of office as assessor, according to law, to the best of my knowledge and ability, so help me God."

Sworn to and subscribed before me this, — day of _____.

Each deputy assessor shall take and file with the County Court Clerk, said oath of office upon completion of his duties as assessor.

It is hereby declared unlawful for any assessor, or deputy assessor, to enter upon, or undertake the performance of the duties of an assessor without first taking said preliminary oath of office, or to fail, neglect or refuse to take and accompany the said report of his assessment lists with the subsequent oath hereinbefore prescribed.

It shall be the duty of the Judge or Chairman of the County Court, and of the Clerk of the County Court to promptly report to the District Attorney, or to a Revenue Agent of the State, any failure, neglect or refusal of any assessor, or deputy assessor, to comply with the foregoing requirements of this Act.

It shall be unlawful for any assessor or deputy to wilfully, knowingly or negligently permit or allow any property subject to taxation to be or remain unassessed, or omitted from assessment, or to wilfully, knowingly or negligently assess any property at less than its cash value, or assess any property or poll solely by substitution or copy from former assessment.

It shall be the duty of each assessor to make out a full and complete list, and transmit the same to the District Attorney of the district, of all taxpayers within his jurisdiction, who shall have failed or refused to take the oath or information required by law to tax schedules, and also, of all

Not swearing
to tax sched-
ule; prosecu-
tion for.

taxpayers who shall have refused, failed or neglected to return, as prescribed by law, such tax schedules to the assessor. Such list shall be prepared and forwarded at the same time the assessment lists are returnable by law, to the County Court Clerk. It shall be the duty of the District Attorney, upon the reception of such list transmitted to him by the assessor, to ex officio prosecute such persons as are included in the same for the misdemeanor prescribed by this Act. It shall be unlawful for any assessor to fail, refuse or neglect to make out such list and transmit the same to the District Attorney, as herein required.

It shall be a misdemeanor in office for the District Attorney to negligently fail or refuse to prosecute such persons reported to him in said list.

It shall be unlawful for any assessor, or deputy, to fail, refuse or neglect to perform, obey and observe any duty or requirement of this Act, not above declared unlawful.

Before any County Judge or Chairman shall approve or accept of any bond of any assessor, he shall read the bond required of the assessor to the assessor and his sureties, and direct their attention to the duties and penalties prescribed by this Act.

It is hereby declared a misdemeanor in office, for any County Court Clerk to fail or neglect to keep and preserve such bonds in a well bound book, or for the County Judge or Chairman to accept or approve of any bond herein designated without complying with the foregoing provisions.

Columns to be added.

District and county assessor, new bond. oath.

SEC. 11. BE IT FURTHER ENACTED, That it shall be the duty of each assessor to add up all columns, showing number of acres assessed and value, number of town lots assessed and their value, value of personal property assessed and total value of all property assessed in his district or ward, before his books shall be received by the Clerk. Each district and county assessor of the State shall, on or before the first day of January, 1900, execute and enter into a new bond in the amounts now provided by law, and conditioned as directed in this Act, and it shall be unlawful after said date for any assessor to perform the duties of assessor without giving such bond, in case such bond is not made by said date, his office shall become vacant, and be filled as is now, or may be then provided by law. Said district and county assessor, deputies, shall also, on or before said first day of January 1900, take, file, and subscribe to the oath hereinbefore

section 10 of this act, and be, and are hereby, together with the sureties of the assessors, declared subject to the provisions of this act as fully and amply as if the same were specially set out and enumerated with reference to the duties and acts to be performed by them after January 1, 1900.

12. BE IT FURTHER ENACTED, That it shall be the duty of the Judge or Chairman of the County to call together all the assessors of his county in a meeting to be held at the Court House the second Monday of the month preceding the year in which the biennial assessment of realty is made for the purpose of ascertaining the duties of assessors in assessing property. It shall be the duty of each assessor in the county to attend this meeting, and at said meeting said assessors shall read, examine, and familiarize themselves with the law pertaining to their duties and the assessment of properties, and ascertain such methods and adopt such methods as will be calculated to enable them to properly assess all properties in the

Meeting of assessors.

13. BE IT FURTHER ENACTED, That it shall be the duty of the assessor in person in case of disqualifications, and in person or by deputy in the case of deaths of assessors, viz.:

Assessor's duties.

To go on the premises and examine realty to be

assessed personally see each taxpayer residing in his or district or his agent or attorney, and take his statement (filled out in the blank schedule hereunto annexed), of all property of such taxpayer, whether the same be real, personal or mixed, without regard to any liens or claims.

And if a taxpayer is a nonresident or if the owner cannot be found or seen after diligent search, the assessor shall fill out such statement, sign and indorse on the same that the taxpayer could not be found after diligent search. In such case it shall be his duty to examine any person whom he may have reason to believe has any knowledge or information as to the property of the taxpayer. For the purpose he shall have the power to administer oaths and compel any witness to answer, and it shall be the duty of every person to answer when called upon to do so by any assessor or his deputy. Assessors and deputy assessors shall exercise the powers and perform like duties when there is

any reason to believe or suspect any taxpayer has withheld or concealed from such schedule any property, or failed to list any property, which may be done by questions put to the taxpayer, his agent, attorney, or any other person.

False swearing.

Any person swearing falsely or corruptly or knowingly in any material statement in such schedule, or to any statement made as a witness to such assessor or deputy assessor, shall be guilty of perjury and indictable for the same.

Refusal to swear.

Any witness refusing to take such oath, or make such answers when called upon by the assessor to do so, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than \$10.00 nor more than \$50.00.

Such assessor or deputy assessor shall reduce to writing such statements as may be made by any property holder or witness under the foregoing provisions, and file the same with the County Court Clerk.

Schedules, oath to.

It shall be the duty of the taxpayer, his agent or attorney, to fill out, or have the assessor or deputy to fill out for him, the schedule hereafter provided for, and the assessor or deputy assessor shall require an oath to be made to the same personally before him or before some justice of the peace by said taxpayer, or the agent or attorney of such taxpayer, to the correctness of the items and the questions therein, and that said schedule fully and truly and without evasion, reservation or concealment sets out all properties of every kind and character of the taxpayer or property holder therein named, and for said purpose each assessor and deputy assessor is invested with the power to administer such oath. Said oath shall be entered on such schedule beneath the same, and subscribed and sworn to by the party listing, but nothing in this Act shall be construed as requiring the person listing the property to make oath to the value of the property, but it shall be the duty of such assessor to examine into and compute the actual cash value for taxation of the property contained in the list made out by himself or the taxpayer, or the agent or attorney of the taxpayer.

It shall be a misdemeanor for any taxpayer, or the attorney or agent of any taxpayer to fail, neglect or refuse to fill out or have filled out, the schedule or list hereafter provided for, or fails, refuses or neglects to take and subscribe to the oath or affirmation required to such tax schedules, or to fail to return the same to the assessor as prescribed by law, which misdemeanor shall, upon conviction

be punishable by a fine of not less than \$10.00 nor more than \$50.00.

It shall be the duty of the assessor or deputy assessor to furnish taxpayers with the schedule hereafter provided for, and demand or require such taxpayer, or the agent or attorney of such taxpayer, to fill out such schedule and to take and subscribe to the oath required to be made to the same.

SEC. 14. BE IT FURTHER ENACTED, That the assessor shall assess the property in each district and ward separately, and to this end he shall proceed to assess the property in a district or ward, commencing at some corner or outside point of the district or ward, and assess it in rotation, as it joins or lies contiguous to the property first assessed, and shall proceed in the regular manner until he shall have made the circuit of the district or ward, and he shall enter each assessment in suitable books (by districts and wards) to be furnished by the county court.

Wards, etc.,
separately as-
sessed.

SEC. 15. BE IT FURTHER ENACTED, That in any suit hereafter brought in any of the courts of this state upon any note, bill, bond, or other chose in action subject to taxation under the provisions of this act, it shall be competent for any defendant to such action to allege and show in defense that such note, bill, bond, or other chose in action was not given in or included in the owner's assessment for taxation for the preceding year; and upon such defense being established to the satisfaction of the justice, court, or judge trying the case, the owner or holder bringing suit upon said note, bond, bill, or other chose in action shall be taxed with all the court costs of the case, and the said court shall declare in rendering such judgment a lien in favor of the state, county, or municipality to which said unpaid taxes are shown to be payable; said lien to be discharged by a release on the docket of said court showing the payment of the said taxes; said release to be executed by the proper tax collecting officer or officers; Provided, all renewals of notes, bills, bonds, or other choses in action shall be treated as one continuous debt; And provided further, That unsettled accounts shall not be included in this section; Provided, This section shall not be held to apply to existing contracts at the date of the passage of this act.

Note, etc., not
given in, effect.

SEC. 16. BE IT FURTHER ENACTED, That it hereby made the duty of the Comptroller of the Treas-

Schedules.

ury of the State to prepare assessment schedules and furnish the same to the various County Court Clerks in this State, who shall in turn furnish the same to the assessor. The schedules shall be so prepared as to conform to the different classifications of assessments provided for in this Act. The schedules shall contain with others, the following questions:

1. How many acres of land do you own?
In what civil or surveyor's district is it located?
How bounded?
What improvements thereon?
2. How many town lots do you own?
In what town located?
What is the number of front feet and depth or your lots?
Are they improved?
3. Has your lot or land been sold at a fair voluntary sale within the last two years?
What was the sale value and terms of sale?
4. The classification of personalty as set out in Section 8 of this Act?
5. What is your age? What is your color? (W. for white, and C. for colored.)
Are you liable for poll tax?
If not, give the specific reasons why not?

Said Comptroller shall, in conformity with the provisions of this Act, in like manner prepare and furnish schedules to be used by the assessor in assessing corporate property and shares of bank stock as set out in Sections 22, 23, and 25 of this Act. All schedules prepared by the Comptroller in conformity with this Act shall have appended to the schedule the respective oaths prescribed by this Act.

Executors, etc.,
to return sep-
arate schedules

SEC. 17. BE IT FURTHER ENACTED, That persons acting as executors, administrators, guardians, agents, attorneys, clerks of any court, or in any fiduciary capacity whatever, shall make a return of the property, moneys, credits, and effects held or controlled by them in any of said capacities separate from their individual returns, the same shall be listed separately for taxation; Provide that every such trust estate shall be entitled to the same exemption as if owned by a single taxpayer.

SEC. 18. BE IT FURTHER ENACTED, That in all cases where any person or persons acting in a fiduciary capacity, company, firm, corporation, agent, or attorn

shall fail, neglect, or refuse to return to the assessor the schedule of property for taxation, as provided for in this Act, the assessor shall report in writing the facts to the Chairman or Judge of the County Court, who shall cite the person, agent, attorney, firm, officer, officers of the company or corporation before him, and shall demand of them to answer the questions heretofore provided in this Act, under oath or affirmation, and shall have power to punish for contempt for failure to answer; and if the refusal to answer is persisted in, the Judge or Chairman shall make such an assessment in such case from the best information that he can obtain, and such assessment shall be prima facie evidence as to the value and ownership of the property; and the costs accruing by proceedings under this section shall be paid by, and be charged against, the taxpayer, and upon the property.

Failure of agent, etc., to return, proceedings.

SEC. 19. BE IT FURTHER ENACTED, That the assessor shall make a report to the County Court Clerk of said assessment list on or before the first Monday in June in each year, as to the personalty, privileges, and polls, and on or before the first Monday in June every two years as to realty, and turn over his books to said Clerk, which shall be filed by him and carefully preserved, to be acted upon by the Board of Equalization to be appointed as hereinafter provided; and said books and lists are to be preserved as a part of the office records of the office of said Clerk.

Assessor to report.

SEC. 20. BE IT FURTHER ENACTED, That if any improvement to the value of \$200 on any real estate shall be destroyed by fire or flood, or other casualty, then the owner thereof may, on his application to the County Court Clerk, have the real estate so damaged reassessed by the assessor, and such reassessed valuation shall be substituted on the assessment roll in place of the original assessment.

Destruction of improvement.

SEC. 21. BE IT FURTHER ENACTED, That it shall be the duty of the assessor, in making his annual assessment of personal property, to ascertain whether or not any permanent improvements have been placed upon any real estate previously assessed, so as to increase the value thereof, to the amount of \$200.00 or more, and in such case he shall reassess such real estate, taking into consideration the value thereof resulting from permanent improvements, which assessments shall, in all cases, be made

Improvement on real estate.

as of the tenth day of January of the year of which the assessment is made.

Changes in
ownership of
real estate.

The assessor shall, also, in making his annual assessments of personal property, ascertain all changes in the ownership of real estate since the last assessment of such real estate, and in such cases, he shall report, with his assessment, the name of the previous owner of such real estate and the name of the present owner thereof, and if the change in ownership applies to the entire real estate, no change shall be made in the assessed value thereof; but the change of ownership shall be noted upon the assessor's book and the Trustee's tax book. If a part of the real estate in any case has changed ownership, or has different owners than that shown in the former assessment, then the assessor shall fix the value of each owner in such real estate, the aggregate of all of which shall be the same as the assessment to the original owner, unless said real estate, or some portion thereof, has been enhanced in value by permanent improvements, or its value decreased by the destruction of permanent improvements, in which case a reassessment shall be made so as to fix the value as of the tenth day of January for which the assessment is made, and all changes in ownership of real estate, together with the description of the real estate after the change of ownership, shall be noted by the Clerk of the County Court on the assessment roll, and also upon the Trustee's tax books.

Error on books
of trustee.

That whenever there is an error in the books of a Trustee or municipal collector, in the valuation or description of property, where the same occurs in an error in transcribing the books or other error material to valuation or description, the assessor shall certify the facts to the Trustee or municipal collector, who shall receive the tax on the corrected valuation and report the difference in his errors and releasement list, or shall make such other corrections as such certificate may show right and proper.

Quasi public
corporations.

SEC. 22. BE IT FURTHER ENACTED, That every quasi public corporation doing business and being operated in this State, such as gas works, water works, electric light, street railroad and dummy railroad companies and all other corporations public in their character, which possess rights, franchises, and privileges, shall pay an ad valorem tax upon the actual cash value of its corporate property, including its franchises, easements, incorporeal rights and privileges, and all other corporate property.

erty, which said value shall not be assessed at less than the aggregate actual cash value of both its shares of stock and bonded debt, and which said value shall be computed by looking to and considering the market value, and if no market value, the actual value of such stocks and bonds of the corporation; Provided, however, That the assessment and taxation of said corporate property or capital stock shall be in lieu of any assessment or taxation of the shares of stock either to the corporation or the owners thereof; And, provided, also, That the assessed value of the corporate realty and tangible personalty otherwise assessed, shall be deducted in making the assessment from the value of the corporate property or capital stock.

Real estate and tangible personalty of any corporation defined in this section shall be assessed in the same mode and manner, and where situate, as other real estate and tangible personalty. In computing the value of and assessing corporate property or capital stock under this section, the assessed value of real estate and tangible personalty shall be deducted from the aggregate actual cash value of the corporate property or capital stock, and the remainder shall constitute the value upon which the assessment shall be based. The value of the capital stock, or corporate property, as used in this section, shall be construed as including all tangible and intangible and franchise values.

Real estate and
personalty;
capital stock.

All corporations, foreign or domestic, other than those hereinbefore designated in this section and in the proviso to this clause, shall be assessed in the same mode and manner as quasi public corporations set out in this section; Provided, however, This section shall not be construed as including railroad, telegraph, telephone, building and loan, insurance, manufacturing, banking companies or corporations and such other companies or corporations as are set out in sections 23 and 25 of this Act, the assessment of such companies or corporations being otherwise provided for in this and in said sections.

Other corpo-
rations.

For the purpose of assessing quasi public and other corporate property defined in this section, the president or chief officer in charge of and operating the business, shall fill out and furnish to the assessor, under oath and in writing, an assessment schedule (to be returned by the assessor to the County Court Clerk for preservation), which schedule shall contain the following questions, viz.:

Schedule of
quasi public,
etc., corpo-
rations.

mixed, which is used and held for the purpose of manufacturing, preparing, completing and finishing goods, wares and merchandise, and the articles in the manufacture of which the parties aforesaid shall be engaged; Provided, The value of articles manufactured from the produce of the State in the hands of the manufacturer shall be deducted in assessing the property.

Each manufacturing corporation, either foreign or domestic, shall pay an ad valorem tax upon the actual cash value of its capital stock or corporate property, including its franchises, easements, incorporeal rights and privileges, and all other corporate property, which said value shall not be less than the actual cash value of both its shares of stock and its bonded debt, and which said value shall be computed by looking to and considering the market value, and if no market value, the actual value of such stocks and bonds; Provided, however, That the assessment or taxation of said corporate property or capital stock shall be in lieu of any assessment or taxation of the shares of stock, either to the corporation or to the owners thereof; Provided also, That the assessed value of the corporate realty and tangible personal property otherwise assessed, and in the case of manufacturers, the value of the articles manufactured from the produce of the State in the hands of the manufacturer, shall, in making the assessment, be deducted from the value of the capital stock or corporate property.

Manufacturing corporations.

Real estate and tangible personal property of any corporation defined in this section shall be assessed in the same mode and manner and where situate, as other real estate and tangible personalty. In computing the value of, and assessing corporate property or capital stock under this section, the assessed value of real estate and tangible personalty, and in the case of manufacturers, the actual cash value of articles manufactured from the produce of the State in the hands of the manufacturer, shall be deducted from the aggregate actual cash value of the corporate property or capital stock, and the remainder shall constitute value upon which the assessment shall be based. The use of the capital stock, or corporate property, as used in this section, shall be construed as including all tangible and intangible, or franchise values.

Corporate real and personal property.

For the purposes of assessing property defined in this section, the assessor shall require the owner, operator, business partner, president or other official in charge of, or

Schedule.

operating the business, to fill out and furnish to the assessor, under oath and in writing, an assessment schedule (to be returned by the assessor to the County Court Clerk for preservation), which schedule shall contain the following questions, viz.:

(1.) Is the business owned and operated by a person, a copartnership, a joint stock company, or a corporation?

(2.) Amount of capital stock authorized, number of shares into which the capital stock is divided, amount of stock paid up, and number of shares issued.

(3.) The market value, and, if no market value, the actual value of such shares of stock, and what the same can be sold for on the market.

(4.) The amount of the outstanding bonded debt, if any, the rate of interest borne by the same, and whether the interest is paid up or in default.

(5.) The market value, and if no market value, the actual value of such bonded debt.

(6.) What dividends have been paid on stock in the last two years, and what surplus, if any, on hand?

(7.) The aggregate amount of capital invested in the business, and what amount of money has been invested in real estate, building, machinery, engines, waterways, tramways, and privileges, and all other equipments or property belonging to or connected with the business, and what is their present value?

(8.) What is, approximately, the gross amount of articles actually manufactured, or prepared, in the business? What is the approximate amount and value of goods manufactured and material for manufacture on hand, and the current prices of same?

(9.) An itemized statement of all real property otherwise assessed where the same is situate, and the assessed value of the same.

A statement of all stocks, bonds, securities, notes, choses in action owned or held, whether the same be unincumbered, or transferred, or deposited, or used as collateral wherever the same is situate, and also all moneys on hand or on deposit, wherever the same may be situate.

(10.) Such other facts pertaining to the value of the property as may be demanded or deemed necessary material to the assessor.

The assessor shall, in the premises, have full power and authority to examine witnesses; to inspect or require¹

of books or papers, and to obtain and consider
ce other than that contained in said statement,
y deem material or necessary.

ufactured articles on hand shall be presumed
assessment and be assessed by the assessor, unless
affirmatively shown by the owner to be manu-
om the produce of the State, and the true val-
furnished the assessor.

ssor shall visit and inspect the property; inform
to the value of the same; and obtain all neces-
terial evidence of the value of the property and
es of stock and bonded debt, either from the
required in this section, or from such other
ne may deem proper or necessary.

4. BE IT FURTHER ENACTED, That
corporation, foreign or domestic, defined in sec- ^{Where assessed}
id 23 of this Act, owns property in this and an-
e, or in more than one county in this State, or
an one civil district in any county, the capital
orporate property of the corporation shall, ex-
reinafter provided in this section as to foreign
is, be assessed in the county, or place, or civil
ed in its charter for the meeting of its stock-
id in case such place of meeting is not fixed in
, then in the county, or place, or civil district
principal office or place of business of the cor-
located, which said assessment shall be made in
ng manner, viz.:

ssor shall compute the value of the capital stock ^{Manner of as-}
te property at not less than its aggregate actual ^{essment.}
, and deduct therefrom the assessed value of all
and tangible personal property as hereinbefore
herever the same may be situate, and the re-
all constitute the assessable value of the cor-
perty or capital stock at the place of assessment.
ersonal property and realty of such corporation
essed at the place, or in the district where the
uate, at the time of the assessment, and by the
hority at that place designated by the law. The
lue of such real and tangible personalty shall
. by a properly certified copy from the assess-
or lists, which said certified copy shall accom-
tatement hereinbefore required, and be likewise

is hereby required to fill out and furnish, upon oath, to the assessor an assessment schedule in writing (to be filed with the County Court Clerk for preservation), which schedule shall contain the following questions, viz.: Assessment
schedule.

(1.) The amount of capital invested in the business.

(2.) The shares of stock outstanding, with the name and residence of the shareholders.

(3.) The market value, and if no market value, the actual value of the shares of stock, and what the shares of stock can be sold for on the market.

(4.) The amount of dividends for the last two years, and amount of surplus and undivided profits, if any.

(5.) A certified copy of the assessed value of the real estate and tangible personality, and where situate.

(6.) Such other facts pertaining to the value of the shares of stock as may be demanded or deemed material by the assessor.

The assessor shall have full power to summon witnesses; to inspect or require the production of books and papers, and obtain and consider any evidence other than said statement, which he may deem proper or necessary.

For the purposes of this Act and for taxation when the capital is not divided into shares of stock, each one hundred dollars of the capital invested shall be held as one individual share, and such shares are defined and declared to be personal property, assessable at the actual cash value of same. If the president or business manager has a partner or partners, he shall, upon his oath, furnish to the assessor, in writing, the number of shares, ascertained as above provided, held or owned by such partner or partners in the business, which shares so held shall be assessed where the business is located, as hereinbefore indicated. Shares person
alty.

The president or manager shall pay the tax so levied, and make the amount so paid a charge against such partner or partners; he shall be held to be the sole owner of all the shares in the business, the same to be assessed at the place heretofore designated.

That there shall be kept at all times, in the office where the business of such bank or banking association, or other corporation included in the provisions of this section, and organized under the authority of this State, or of the United States, shall be transacted, a full and correct list of the names and residences of the stockholders therein, and the number of shares held by each; and such list shall be List of stock-
holders.

subject to the inspection of the officers authorized to assess taxes, during the business hours of each day on which business may be legally transacted.

Nonresident
owner.

That when the owner of stock in any bank or banking association, or other corporation included in the provisions of this section, organized under the laws of this State, or of the United States, shall not reside in the same county where the bank or corporation, or association is located, or is a nonresident of this State, the revenue collector for the State, county or municipality shall, respectively, have the power to collect tax assessed by this Act by instituting attachment proceedings; and said tax shall be and remain a prior lien on the stock until the payment of the same.

Corporation to
pay.

That for the purpose of collecting such taxes, and in addition to any other laws of this State relative to the imposition and collection of taxes, it shall be the duty of such corporation to pay the taxes due upon such stock, regardless of any dividend or earnings belonging to such stockholder; a prior lien being hereby declared on all such stock, on and after the tenth day of January of each year, and the said corporation, being hereby subrogated to such prior lien for the purpose of enforcing repayment of any taxes that may be so paid for the account of any such stockholder. If the taxes on such shares shall not be paid by such corporation, then the State, county or municipality may, after such tax may have become delinquent, proceed to collect the same by attachment on said shares of stock in any court of competent jurisdiction, through counsel to be employed for that purpose.

Act not to re-
lease from tax-
ation.

SEC. 26. BE IT FURTHER ENACTED, That this Act shall not be so construed, and shall not so operate, as to exonerate and release from taxation any company or corporation whose charter exempts stock and shares thereof from taxation; but it is hereby enacted that in all cases where such stock is exempted, such company or corporation shall be assessed in such way as may be lawful; and in all cases in which, by the terms or legal effect of the charter, the shares of stock in any corporation are wholly or partly exempt from taxation, or in which a rate of taxation on shares of the stock is fixed and prescribed, and declared to be in lieu of all other taxes for State, county and municipal purposes, shall be assessed and levied at a rate uniform with the rate levied upon other taxable property, upon capital stock of said corporation, the value of which is

all be fixed and returned by the assessor as being the aggregate, and not less than the actual cash value of all the shares of stock in said corporation, including net surplus:

ded, however, That where the State has provided in ter of any such corporation or company that it shall ated per cent. on each share of stock subscribed, and o the State, which shall be in lieu of all other taxes, be entitled annually to a credit therefor upon its nt of its capital stock as hereinbefore provided.

27. BE IT FURTHER ENACTED, That the es and franchises granted by the Legislature of this savings banks, or institutions for savings, are here- Savings fran-
chise declared
personalty. ired to be personal property, and liable for taxation in the town, ward or district where they are lo- an amount not exceeding the gross amount of their earned and in possession of said banks or institu- and the officers of such institutions or banks shall be d, on oath, by assessors as to the amount of such and the property of such banks and institutions liable to seizure and sale for the payment of all on them for said privileges and franchises.

28. BE IT FURTHER ENACTED, That mer- hall pay an ad valorem tax upon the capital invested Merchants. business, equal to that levied on taxable property. m, "merchants," as used in this Act, includes all co-partnerships, or corporations, engaged in trad- dealing in any kind of goods, wares, merchandise, n land or in steamboats; wharf boats, or other craft d or plying in the waters of this State, and confec- whether such goods, wares or merchandise be kept l for sale, or the same be purchased and delivered it, as ordered.

Persons, firms, companies or corporations engaged ousness of merchandising, other than such as are d in subsequent sub-sections of this Section, shall l as herein set out. Such persons, firms, companies rations shall, at the expiration of the period of the ovided for in this Act, file with the Clerk of the Court of the county, a statement, under oath, ; the amount of capital invested in business to be for taxation, but under no circumstances shall the to be assessed be less than the value of the average of stock on hand during the preceding year, to be

ascertained by adding together the value of the highest amount of stock on hand at any time during said year with the value of the lowest amount of stock on hand at any other time during said year, and dividing the same by two, said statement to be sworn to by such merchant, person, or the head of such firm, company or corporation, in which he shall state that he has not reduced his stock for the purpose of escaping taxation at any time, and has fully, truly and correctly, without evasion or reservation, made return as required by law, and said average amount of stock, as sworn to by said merchant, person, firm, company or corporation, shall be deemed the taxable value of the capital of such merchant, person, firm, company or corporation, upon which he shall pay to the County Court Clerk the same tax as levied upon real estate and other property for State, county and municipal purposes. The word, "capital," as used in this subsection, shall be construed so as to mean the average amount of stock on hand during the year in which it is offered for sale, the amount to be ascertained as provided in this section, but if the average stock on hand is less than the capital stock employed by said merchant, firm, or corporation, he shall pay a tax on the capital stock.

Stocks of merchandise, etc.

(2.) Stocks of merchandise, wares, goods and chattels, sold at auction or on commission, shall be assessed for taxation, and the following is declared to be the method by which the amount to be returned or assessed, shall be determined, viz.:

Where any person, company, corporation or firm shall have sold goods, wares, merchandise, or chattels at auction or on commission, whether in the regular business of selling at auction or on commission, or shall have made such sales in connection with any other business, the aggregate amount of said auction or commission sales for the period engaged in business, not exceeding twelve months, shall be ascertained; and one-third of said amount of sales shall be returned for taxation.

The person, firm, company or corporation engaged in such business shall, at the expiration of the period covered by the bond provided for in this Act, file with the Clerk of the County Court a statement giving the aggregate amount of sales made during such period, verified by an oath that said statement is made without evasion or reservation, and correctly, fully and truly shows the aggregate amount of sales of every kind and character made during said period.

(3.) All capital employed during the preceding twelve months in any manner of trading in which there is no stock of goods, wares and merchandise kept on hand for sale, and the aggregate capital reported shall be deemed the taxable capital of such merchant or factor, upon which he shall pay the same tax as levied upon real estate and other property, for State, county and municipal purposes; and the report herein required shall be sworn to by such merchant, or the head of such co-partnership, person, mercantile firm, company, or corporation.

Capital employed in trading when no goods, etc., on hand.

The person, firm, company or corporation engaged in such business shall, at the expiration of the period covered by the bond provided for in this Act, file with the Clerk of the County Court a statement giving the aggregate amount of capital employed during such period, verified by an oath that said statement, without evasion or reservation, correctly, fully and truly shows the aggregate amount of capital of every kind and character employed during such period.

(4.) If in any case the statements required herein to be made to the Clerk of the County Court, should for any reason be considered as unjust, incorrect or inadequate, either by the Clerk of the County Court or his deputy, or by the district attorney, or by any revenue agent of the State or county, or by any reputable taxpayer of the State, filing a written objection with such clerk, it shall be the duty of such clerk or his deputy, on his own motion, or by direction of such district attorney, or revenue agent, or at the request of the taxpayer filing a written objection, to issue a citation to the person, firm, company or corporation returning the statement to appear before such clerk within five days from the date of the issuance of the citation, and show cause why such statement shall not be revised and corrected. The Clerk of the County Court and his deputy shall, in the premises, have full power and authority to issue subpoenas; to send for and examine witnesses, to administer oaths; to send for and examine books; and it shall be the duty of the clerk, upon such investigation, to correct, revise and audit such statement and fix the amount of taxes for which the party or parties may be liable. It shall be the duty of such clerk also in such cases, to inquire into and ascertain the amount of insurance upon the property during the time covered by said bond.

Statement, correction of.

SEC. 29. BE IT FURTHER ENACTED, That no

License must
be obtained;
what to show;
fee.

merchant, person, firm, company, co-partnership or corporation shall commence or continue a business declared to be a privilege under this Act, or revenue act, in any county of this State without obtaining license from the clerk of such county, in accordance with the previous provisions of this Act, and every person, individual, or member of any co-partnership or corporation so offending, shall be subject to prosecution for each day's violation of this law, and on conviction, shall be fined not less than one hundred dollars for each offense. Said license is hereby required to show all the State and county revenue paid, the name or names of the party or firm, or corporation or company, and is further required to be registered in the office of the Clerk of the Circuit Court in a book kept by him for that purpose, showing in full the date of issuance, name or names of the party or parties to whom issued, the character of the business and the amount of State and county tax paid, and to be countersigned by the Clerk of the Circuit Court or his deputy, and for registering and countersigning said license, and for making a quarterly report of the same to the State Comptroller and Chairman of the County Court, to be accompanied with his revenue reports, he shall receive the sum of fifty cents for each license, to be paid by the party or parties to whom said license is issued, and said license shall not be considered valid, nor shall it be delivered by the County Court Clerk, until the provisions of this Act have been complied with, and each violation of the provisions of this act on the part of the county or circuit court clerks is hereby declared a misdemeanor, and it is also declared a misdemeanor for any person, except the Circuit Court Clerk, or his legally qualified deputy, to sign the name of the Circuit Court Clerk to said license, and upon conviction, the offender shall be fined not less than fifty nor more than one hundred dollars.

Each person or firm procuring a license shall keep the same posted in a conspicuous place in his place of business.

Merchants'
bond.

Every merchant, firm, company, person, or corporation applying for licenses, shall, before receiving the same, execute a bond to the State, with good security, to be approved by the Clerk of the County Court, in the sum of five hundred dollars, conditioned that said merchant, firm, company, person or corporation, will render to the clerk issuing the license, at the end of twelve months from the date the bond (or if the merchant ceases to do business be

piration of twelve months, then as soon as he ceases to (business), a true statement under oath, as prescribed by law, and will pay all taxes, fines and penalties provided by law. For taking the bond and issuing the license, the clerk shall be entitled to fifty cents, to be paid at the time of issuance.

Any merchant, person, firm, company or corporation continuing in business, shall renew his license annually, and no license shall authorize merchandising out of the county where issued, nor for a period longer than one year nor for a shorter period than three months. But any person, firm or corporation, having paid in advance for such license, sell, transfer or dispose of such business before the expiration of said license, the license shall nevertheless be transferable, and the person purchasing shall have full authority to continue said business until the expiration of the license, provided the same bond shall be given as herebefore required in this section, to account for his proportion of the ad valorem tax.

License renewed annually; transferable.

No person, firm, company, co-partnership or corporation exercising a taxable business, where the stock of goods, wares and merchandise is carried, shall sell or transfer said business as an entirety until all State and municipal taxes due thereon shall have been first paid; in any case any person, firm, company, co-partnership or corporation exercising such business shall make an assignment, general or partial, for the benefit of creditors, it shall be the duty of the assignee to first pay in full, out of the assets that come into his hands, all taxes that may be due on such business, which shall be a prior lien in preference to all other claims.

Taxes first paid in case of sale; lien.

§ 30 BE IT FURTHER ENACTED, That the County Court Clerks of this State be, and they are hereby, directed to turn over to the County Attorney, or if no County Attorney, then to an attorney to be selected by the County Judge or Chairman of the County Court, or Revenue Agent, all privileges and license bonds due and unpaid within thirty days after said bonds become due and payable, taking duplicate receipts for the same, specifying the amount due thereon as nearly as can be ascertained, one of which receipts shall be forwarded to the Comptroller of the State, and the other spread on record in the County Court. Whereupon the said attorney or clerk of the County Court or revenue agent shall forthwith give five days' no-

Privilege and license bonds due and unpaid; judgment on.

tice to the principal and surety on such bonds to appear before the Chairman or Judge of the County Court in which such bond is due, and show cause, if they have any, why judgment should not be rendered against them for the amount of revenue due on such bond, which judgment shall in no case be less than the amount of the ad valorem and privilege tax fixed by law, and by the County Court, with six per cent. interest and a penalty of one per cent. for each day such revenue is delinquent, and an attorney's fee of five dollars on each bond; and jurisdiction is hereby conferred on the county courts of this State to try and determine such cases, to render judgment, issue execution, and do all things necessary to enforce the collection of this revenue and necessary to the enforcement of this Act; and the notice so given may be returnable to any Monday of said County Court, to the Judge or Chairman thereof; provided, that five days' notice is given, when the Judge or Chairman shall try the matter; and upon failure of the principal or security to appear, the attorney or clerk shall move for judgment, and the Chairman or Judge shall render and have entered a judgment for the amount of said bond, as aforesaid, with costs.

The said clerk shall be allowed the usual fees for such services as in the Circuit Courts of this State. The State, county and municipality shall in no event pay any costs in these proceedings, but the same shall be taxed against delinquents. Such suits shall not interfere with the right of the clerk at any time to issue a distress warrant to collect such taxes, if, in his judgment property can be found on which to levy same.

County clerks to collect taxes SEC. 31. BE IT FURTHER ENACTED, That the clerks of the county courts of the several counties of this State shall collect all taxes on merchants, persons, companies, firms or corporations, and all privileges as now provided by law, and shall be subject to all the fines and penalties for failure to pay such taxes over to the Comptroller, County Trustee and municipal authorities that are provided for in this Act in cases of trustees.

Back or re-assessment. SEC. 32. BE IT FURTHER ENACTED, That a property, or properties included in this Act shall be back or re-assessed for the period now provided by law, viz.:

(1.) When the same have been omitted from or escaped taxation.

(2.) When the same has been wilfully or knowingly

by the negligence of the Tax Assessor, or Board of Equalizers, assessed or computed at a value less than its actual cash value.

(3.) When the same has been assessed by the assessor or computed by the Board of Equalizers at less than its actual cash value by reason of any fraud, deception, misrepresentation, or misstatement of the owner of the property or his agent or attorney.

(4.) When the owner of the property connives at or fraudulently procures, or induces an assessment to be made by the assessor, or computed by the Board of Equalizers at less than its actual cash value.

(5.) When the owner, or his agent fails, refuses or neglects to list the property to the assessor, as required by law.

(6.) Whenever it is within his knowledge or he has reason to suspect in his county that any property has, in violation of this Act, as above prescribed, been assessed by any assessor, or computed by any Board of Equalizers at Less than actual cash value less than its actual cash value, it shall become the duty of any revenue agent, of any district attorney, of any attorney of the county, of the Judge or Chairman of the County Court, of the County Court Clerk, of any Circuit, Chancery and Criminal Court Clerk, of any sheriff, and of any citizen of the county, to cause or have the County Court Clerk, in the case of merchant's taxes, and the County Trustee, in the case of other taxes covered by this Act, to have issued the citation hereinafter set out, for the purpose of back or re-assessing such property. At the request of, or upon the information or motion of any citizen or taxpayer of the State, or of any of the officers above named, it shall be the duty of the County Court Clerk, in the case of merchant's taxes, and the County Trustee, in the case of other taxes covered by this Act, to issue, for the purpose of back or re-assessing property, the citation hereafter set out. The County Court Clerk, in the case of merchants taxes, and the County Trustee in the case of other taxes covered by this act, upon the motion or information, or at the request of any citizen or taxpayer of the State, or of any of the officials before designated, or when the same is within the knowledge of, or suspected by the County Court Clerk, or County Trustee, shall issue as to any property assessed or valued in violation of this Act, at less than the actual cash value of the same, a citation to be served by any officer of the county or of any district there-

y Court shall report the same to the County Trustee, shall back or re-assess the same, under the provisions of this Act and add thereto the penalty heretofore design-

case the County Court Clerk, or County Trustee shall Liable on bond
r refuse to perform the duty herein imposed, such
or trustee shall become liable, on his official bond, for
amount of taxes which might have been recovered had
duty been properly performed, together with a penalty
twenty-five per cent. added thereto, said liability and pen-
alty to be recovered in any court of record, or before any
justice of the peace at the instance of any district attorney
or any agent of the State, or by suit, or by motion on
any day's notice in the Chancery or Circuit Courts, or be-
fore any justice of the county.

§ 33. BE IT FURTHER ENACTED, That the
taxes on all real estate, personalty, railroad, tele- Taxes a first
lien.
and telephone companies, and all damages and costs
incurred thereon, shall be and remain a first lien upon such
property from the 10th of January of each and every year,
for the taxes of that year; and said taxes shall be a lien
on the fee in said property, and not merely upon the in-
terest of the person to whom said property is, or ought to
be assessed, but to any and all other interests in said prop-
erty, whether in reversion or remainder, or of lienors, or of
any nature whatever, and the whole proceeding for collec-
tion of taxes from the assessment to sale for delinquency
shall be a proceeding in rem, and shall not be invalid on
account of such land having been listed or assessed for taxa-
tion by any one as owner or owners, or to any person or per-
son not the owner or owners, or to unknown owner or
owners.

§ 34. BE IT FURTHER ENACTED, That the
County Court of each county shall, at the April session
of each year, cause different sections of the county elect five (5), free-
holders and taxpayers, each of whom shall have been a citi-
zen of the county for not less than six years, who shall con-
stitute a County Board of Equalizers, invested with the County equal-
izers.
powers and duties of equalizing assessments and computing
the same for taxation as hereafter prescribed; Provided, how-
ever, in taxing districts of a population of 60,000 or over,
according to the Federal census of 1890, or any subsequent
census, two members of the Board shall be appointed
by the City Council, or existing governing Board of

such taxing district; And provided further, That in cities having a population of not less than 5,000 nor more than 60,000 one member of said Board shall be appointed by the City Council or governing Board of such city. If said Court should fail to elect, the judge or chairman of the County Court shall appoint the members of the Board, and shall also fill such vacancies as may occur.

Meeting.

Said County Board of Equalizers shall meet on the first Monday in June of each year, and sit in regular session as necessity may require, until the equalization has been completed, but not to sit longer than six days in counties having a population of 10,000 or under, by the Federal census of 1890, or any subsequent Federal census, and ten days in counties having a population of over 10,000 and under 20,000, by the Federal census of 1890, or any subsequent Federal census, and 15 days in counties having a population of over 20,000 and under 35,000, and 25 days in counties having a population of over 35,000, the last Federal census to govern; but the County Court Judge or Chairman, when the court cannot act, may extend the time if, in his judgment the public welfare shall require it, but not beyond the time hereinafter provided for a return of assessment to the County Court Clerk.

Officers; quorum; record; pay.

Each Board of Equalizers shall elect one of its members a chairman, and one a secretary of the Board, and a majority of the Board shall constitute a quorum for the transaction of business. Said Board shall keep a daily record of its transactions and sign the same, and its members shall be paid by the county a compensation for their services, not to exceed \$2.00 per day. The County Court Clerk shall, at the first day's session of the Board deliver the county assessment lists or rolls to said Board for its consideration. Upon the completion of the duties of the Board, the records and papers of the Board shall be turned over to the clerk of the County Court for preservation, together with the assessment lists.

Duties.

It shall be the duty of the Board to carefully examine, compare and equalize the county assessments; to eliminate from the list property exempt from taxation; to hear just complaints of any party or parties feeling aggrieved account of excessive assessment of property, and if, in its judgment, the property is assessed at more than its actual cash value, it shall be reduced to the actual cash value the same; to correct any and all errors arising from cler-

mistakes or otherwise, that may come or be brought to the attention of the Board, and the corrections made, if any, shall be entered upon the assessment books, without in any way altering the assessment lists. Said Board shall have the power, and it is hereby made its duty, to increase or lower the entire assessment roll, or any assessment contained therein, so as to equalize the assessment of all property contained therein, and make such assessments conform to the actual cash value of the property described in the assessment. If the property described in said assessment lists, or any part thereof, shall have been assessed at less than the actual cash value thereof, the value of the same shall be increased so as to conform to the actual cash value thereof; or if any property designated in said assessment lists shall have been assessed at more than the actual cash value thereof, the same shall be reduced so as to conform to the actual cash value thereof, it being the intention of this Act that the County Board of Equalizers shall equalize and compute the value of all the property in the county upon the standard of the actual cash value thereof, estimated at the amount of money the property would sell for, if sold at a fair voluntary sale.

The Board may examine any person, or persons, as witnesses, and hear any proof that may be offered by any taxpayer, or about any question touching the value of any property, or of property described in the assessment roll. Said Board shall have the power and authority to send for persons and papers; to examine and enforce the attendance of witnesses and to obtain any evidence or information that may be deemed material in the performance of its duties. Each member of the Board shall have the power to administer an oath, and any person who shall wilfully or corruptly swear falsely to any material fact before said Board, shall be guilty of perjury and indictable for such offense.

Examine witnesses.

Any owner of property liable for taxation in the State shall have the right, in person or by his agent, to make complaint before said Board, that other property or properties in the county have been assessed at less than the actual cash value thereof, or at a less percentage of value than complainant's own property. Upon such complaint being made before the Board it may hear any evidence or witnesses offered by the complainant, or may take such steps it may deem material to the investigation of the complaint and pass upon the question justly and equitably, ac-

Complaint before board.

the property in the same ward or district, allowing due consideration for the differences between cash and credit sales, and giving such evidence such weight as it may be fairly entitled to in connection with any other evidence before the Board. It shall be the duty of said Board, before the adjournment of the same, to forward said tabulated statement or a certified copy thereof, to the State Board of Equalization.

It shall be the duty of the said Board to bring before it each assessor and deputy assessor of the county and present to him in writing, the following question:

Assessors questioned as to assessing at value.

Ques. In valuing the property assessed by you, have you assessed any property at less than the actual cash value of the same, and if so, what property, and at what percentage of its actual cash value? The answer to said question shall be reduced to writing, subscribed and sworn to before the Board. Said provision requiring said Board to bring the assessor and deputy assessor before it need not be enforced when the Board is satisfied and it is apparent that the assessor or deputy assessor has not assessed any property assessed by him at less than the actual cash value of the same. If any answer made under the foregoing provisions shall indicate or show, or lead to the belief that the assessor or deputy assessor has assessed any property or properties at less than the actual cash value of same, the question and answer shall be by said Board transmitted to the district attorney of the district, or to a revenue agent of the State, to be proceeded upon for the recovery of a penalty as provided for elsewhere in this Act.

When the County Board of Equalizers shall have determined the matters of equalization and values before it, and within its jurisdiction, such action shall be final, except in so far as the same may be revised or changed by the State Board of Equalization.

Action final.

Upon returning the assessment rolls of the county to the county court clerk, the said Board of Equalizers shall append to or indorse upon the same a certificate signed by each member, viz.:

We, the undersigned members of the Board of Equalizers of the County of _____, do hereby officially certify that we have equalized, computed and fixed the values of all properties set out in the assessment rolls of said county upon the standard of the actual cash value of the same, by raising the values of all properties assessed at less

Certificate on return of rolls.

than the actual cash value thereof, to the actual cash value of the same, or by reducing the values of all properties assessed at a greater than the actual cash value thereof to the actual cash value of the same, and otherwise faithfully and honestly obeyed the requirements of the assessment laws of the State, and kept our oaths of office.

Witness our hands, this ——— day of ———.

Preliminary
oath.

Each member of the County Board of Equalization, before entering upon the discharge of the duties of his office shall, before the Judge or Chairman of the County Court, take and subscribe to the following oath, to be filed with the clerk of the County Court, viz.:

State of Tennessee, ——— County.

I, ———, member of the Board of Equalization of said county, do hereby solemnly swear (or affirm) that I will, without fear, favor or affection, perform the duties required of me by my oath of office and the laws of the State; that I will carefully examine, compare and equalize all assessment lists and values of property in said county, designated in the assessment rolls, and equalize, fix and compute the values of all such properties upon the standard of an actual cash valuation, as directed by the laws of the State, by raising the value of all properties assessed at less than the actual cash value of the same to the actual cash value thereof, and by reducing the value of all properties assessed at greater than the actual cash value of the same to the actual cash value thereof, and in all respects faithfully, honestly and impartially do and perform each and every duty imposed upon me as a member of said Board by the laws of the State.

Sworn to before me, this the ——— day of ———.

Oath on completion.

Each member of a County Board of Equalization shall, immediately upon the completion of the duties of the Board subscribe to and take the following oath, to be transmitted to the State Board of Equalization, viz.:

The State of Tennessee, County of ———.

I, ———, member of the Board Equalizers of said county, do solemnly swear (or affirm) that I have honestly and impartially, and to the best of my knowledge and judgment, performed each duty imposed upon me as a member of said Board, by the laws of the State, and equalized, computed and fixed the values of properties upon the county assessment roll by the star

the actual cash value thereof, by increasing the value of all properties assessed at less than the actual cash value to the actual cash value of the same, and by increasing all values of such properties assessed at greater than the actual cash value thereof to the actual cash value thereof.

Signed, _____
to before me, this the ____ day of _____.

and shall at once, by registered letter, be forwarded to the State Board of Equalization at Nashville, Tennessee. ^{Forwarded to state board.} The same may be taken before any person authorized by the laws of the State to administer an oath, or before the Judge of the County Court, who is hereby authorized to administer said oaths. Any member of a county board of Equalizers who falsely or corruptly swear or affirm to any matter set out in such oath, shall be guilty of perjury, and liable as such, and be liable to the penalty elsewhere prescribed in this Act.

It shall be unlawful for any member of a County Board of Equalizers to enter upon or undertake to discharge the duties of his office without first taking, before entering upon the duties of his office, the preliminary oath herein prescribed, and it shall be unlawful for any member of a County Board of Equalizers to fail, neglect or refuse to take the oath hereinafter prescribed to be taken at the completion of the duties of his office or to give an account hereinafter set out.

In the event of the failure of any member of the Board of Equalizers to comply with the foregoing provisions, it shall be the duty of the Chairman or Judge of the County Court and the Clerk of the County Court to report the same to the Attorney General of the district, or to a revenue agent of the district, in the same manner as hereinbefore prescribed for offenses.

It shall be unlawful for any County Board of Equalizers or any member thereof, to fail, refuse or neglect to prepare and promptly forward to the State Board of Equalization a comparative tabulated statement (or certificate thereof) to be taken from the Register's office assessment list, as hereinbefore provided.

It shall be unlawful for any member of any County Board of Equalizers to fail, refuse or neglect to forward to the State Board of Equalization the oath required to be

district in which the offense is committed to institute proceedings to recover the penalty hereinafter prescribed, which said direction shall be complied with by such district attorney or revenue agent.

It shall be the duty of the County Board of Equalizers, and unlawful for them to fail to perform such duty, to investigate as to whether assessors or deputy have made and transmitted the list to the district attorney, of taxpayers who shall have failed or refused to take the oath or affirmation required by law to tax schedules, or who have refused, neglected or failed to return tax schedules as required by law, and if the assessor has failed to perform this duty, then said Board shall report the same to the district attorney, or to a revenue agent of the State, whose duty it shall then be to institute proceedings against the assessor for the penalty herein prescribed; and in case of such a failure on the part of the assessor, it shall be the duty of the State Board of Equalization to prepare and transmit to the district attorney a list of the taxpayers who shall have failed to perform the requirements of this Act hereinbefore set out, and thereupon such district attorney shall ex officio prosecute the delinquents, and it shall be unlawful for the County Board of Equalizers and the members thereof, to fail, refuse, or neglect to perform this duty before the completion of their duties of equalization.

Failure of assessor to make list; prosecution.

It shall be unlawful for the members of any County Board of Equalizers to fail, refuse or neglect to report and transmit to a district attorney, or State revenue agent such answers of assessors or deputy assessors elsewhere required in this Act, as show or indicate they have assessed any property at less than the actual cash value of the same.

Assessor's answers go to attorney

It shall be unlawful and a misdemeanor for any judge or chairman of the County Court, or clerk of the County Court, or County Register to fail, refuse or neglect to do and perform any duty imposed by this Act with regard to returning or forwarding statements to the State Board of Equalization, as provided for in this Act, and upon conviction the offender shall be fined not less than \$50, and not more than \$100.

Neglect of certain officers; penalty.

The books prepared for the use of the assessors shall have two additional columns, after the total valuation column, for the purpose of showing the action, if any, of the County Board of Equalizers on assessments, one of which shall show increase and the other the decrease in valuation made

Increase and decrease columns.

by said board. These two columns shall be added to get the total increase and decrease in the district.

Tabulated
statement.

The Clerk of the County Court shall, within ten days after the Board of Equalization adjourns, make out a tabulated statement, by districts and wards, showing the number of acres assessed and value the number of lots assessed and assessed value, the value of personalty assessed, the total value of all property and the total increase and decrease made by the Board of Equalization in each district, and shall forward said statement to the State Board of Equalization by registered mail. The clerk shall be liable to a fine of ten dollars each day he fails to mail said statement to said State Board of Equalization, which shall be in addition to the penalty hereinafter prescribed.

Assessor or
equalizer, pen-
alty for violat-
ing act.

SEC. 35. BE IT FURTHER ENACTED, That each assessor, or deputy assessor, or member of the County Board of Equalizers who violates, neglects or fails or refuses to comply with any of the provisions of this Act, unless the same is otherwise expressly made punishable as a misdemeanor, shall pay and forfeit to the State of Tennessee, the sum of not less than \$50, nor more than \$100 for each offense, which penalty shall be recovered of the offender and his sureties on his bond, in the case of assessors and deputies, and of the members of the Board of Equalizers personally, in any court of record of the county, or before any justice of the peace of the county, by motion on five days' notice, or by suit instituted for the purpose.

Penalties, who
to recover.

It shall be the duty of each district attorney, revenue agent of the state, and County Judge or Chairman, when it comes to his knowledge, or he has reasonable grounds to believe that the provisions of this Act have been violated to institute proceedings by such motion or suit to recover the penalties prescribed by this Act.

It shall be the duty of each district attorney, or revenue agent of the State, or Judge or Chairman of the County Court, upon the request of any reputable citizen or taxpayer of the State, to institute proceedings in the mode and manner herein prescribed to recover any penalty provided for in this Act.

Pay, when to
draw.

SEC. 36. BE IT FURTHER ENACTED, That it shall be unlawful for any assessor, or deputy assessor, or any member of any County Board of Equalizers, to draw or receive any compensation for services, or for any County Judge or Chairman to issue any warrant for the same, unt-

assessor, or deputy assessor, or member of said Board shall have fully kept and performed each and every one of the requirements of this Act, and the failure to keep and perform any of the same shall be held and deemed a waiver of any right to any compensation for services; Provided, should death prevent the performance of the same, compensation may be paid to proper representatives for services rendered.

EC. 37. BE IT FURTHER ENACTED, That any Judge or Chairman of the County Court, or clerk of the County Court, or district attorney, or revenue agent, who neglects or refuses to obey and observe the requirements imposed upon him by this Act, shall be guilty of a misdemeanor, and, upon conviction shall be fined not less than \$50, nor more than \$100.

Judge, clerk,
attorney,
agent, penalty
against.

EC. 38. BE IT FURTHER ENACTED, That the clerk of each county shall, in a well bound book, which the county shall furnish at its expense, keep and preserve the oaths prescribed by this Act to be taken by assessors, justices and members of County Boards of Equalizers, except the oath of members of County Boards of Equalizers shall be forwarded to the State Board of Equalizers.

Oaths, record
of.

EC. 39. BE IT FURTHER ENACTED, That the Secretary of State, Treasurer, and Comptroller of the Treasury of the State, and their successors in office, are hereby created a State Board of Equalization, and invested with the powers, and required to perform the duties hereafter prescribed, viz.:

State board
of equalization

1.) Said Board shall hold its sessions at the Capitol, Nashville, Tennessee, at the first session of which it shall elect one of its members Chairman, and one Secretary of the Board. A majority of the Board shall constitute a quorum for the transaction of business. Minutes of each session of the Board shall be kept and signed by its members. The records of the Board shall be kept in the office of the Secretary of State for preservation.

Sessions, quorum, minutes.

2.) It shall be the duty of the officials hereinbefore named to discharge the duties of said Board without additional compensation, but before entering upon the discharge of such duties, they shall take and subscribe to an oath,

Oath.

that they will fairly and impartially perform the duties imposed upon them by this Act, and equalize, fix and apportion the values of all properties within their jurisdiction so as the value thereof shall conform to the standard

zation. Said Board, whenever deemed material, may hold, at any time, sessions at said Capitol or elsewhere, for the transaction of business other than that to be performed during the biennial sessions, which sessions may be held either before or after said biennial sessions, and the first of which shall not be held later than the first Monday in December, 1899.

(6.) During biennial sessions of said Board any taxpayer of the State, or any owner of property subject to taxation in the State, shall have the right to a hearing and determination of any complaint, such taxpayer or owner of property may make on the ground that other property than the property of such taxpayer or owner, has been assessed at less than the actual cash value of the same, or at less percentage of value than the property of such taxpayer or owner of property, whether his, her, or its property is within the jurisdiction of said Board or some other authority to equalize, but the complaint, subject to amendment for cause, shall be specific, in writing, and filed with said Board within five days after the first day of the biennial session. Taxpayer may complain.

(7.) It shall be the duty of said State Board of Equalizers at such biennial sessions to equalize, compute and fix the values of such properties as are within its jurisdiction by the standard of the actual cash value of the same, and for said purpose said Board shall have the power to reduce or increase values of properties so as the values of all assessments equalized by said Board shall conform to said standard of actual cash value. Equalization of such properties may be made by said Board by classifications of properties and by wards, civil districts or counties, or in such manner as it may deem will best enable the Board to justly and equitably equalize assessments in conformity with said standard. Equalize values.

(8.) Said Board shall enter or cause to be entered in a book prepared for the purpose, a record of its action in equalizing properties, showing corrections and changes in assessments, increases and decreases in the values of properties by per centage or otherwise, and proper and necessary certifications of the same shall be certified to the clerks of the County Courts, who shall make proper and correct entries of the same upon the tax books to be turned over to the County Trustee. Record

(9.) Said Board shall have jurisdiction of, and it shall

**Jurisdiction;
exception.**

be its duty to equalize at said biennial sessions the assessments of all properties in this State except such as are now required by law to be equalized by the Governor, Secretary of State, and Treasurer—that is, distributable and localized railroad properties and distributable telegraph and telephone properties.

Action final.

(10.) The action of the State Board of Equalizers shall be final and conclusive as to all matters passed upon by the Board, and taxes shall be collected upon the valuations so fixed and found by said Board.

Certificate.

(11.) When said Board shall have finished the equalization of properties assessed during the year of such biennial session, it shall append to the record of its actions an official certificate signed by its members that the values of assessments equalized by it, have been equalized, fixed and computed in conformity with the standard prescribed by this Act, and that all properties for the purpose of taxation shall be valued at the actual cash value thereof.

**Report to legis-
lature.**

(12.) It shall be the duty of said Board to prepare and transmit to the General Assembly at its biennial sessions a report of their work, together with such legislative recommendations as it may deem best for the interests of the State.

(13.) It shall be the duty of the Judge or Chairman and the Clerk of each County Court, County Trustees, members of each County Board of Equalizers and Assessors, to fill out and return blanks and furnish information, evidence and affidavits when called upon to do so by the said State Board of Equalizers, and also the duty of the members of County Boards of Equalizers to observe such rules and regulations as may be prescribed by the said State Board of Equalizers for the use and government of County Boards of Equalizers.

**Proceedings
against delin-
quent officers.**

(14.) It shall be the duty of the State Board of Equalizers to certify in writing any violation of, or failure, refusal or neglect on the part of any assessor, deputy assessor, member of a County Board of Equalizers, Judge or Chairman, or Clerk of a County Court or County Trustees or other official, which certification shall be filed in the office of the State Comptroller. It shall thereupon be the duty of said Comptroller to direct, in case such offense punishable with a penalty, the proper district attorney or a revenue agent to institute proceedings as prescribed in this Act, to recover such penalty, and in case the offe

is punishable as a misdemeanor, the proper district attorney to ex officio prosecute the offender.

(15.) The State Board shall certify in writing to the Comptroller of the State, to be delivered to the proper revenue commissioners, all evidence of any properties ^{Property es-} escaping taxation, with name of owners and locations of the properties, to be investigated and proceeded with as required by law. ^{caping.}

(16.) All necessary and proper expenses incurred in the performance of the duties imposed under this Act shall be ^{Expenses.} paid out of the State Treasury upon the sworn itemized statement of all the members of the State Board of Equalization. Such expense account shall be presented to the State Comptroller quarterly, and if approved by him, shall be payable upon his warrant.

SEC. 40. BE IT FURTHER ENACTED, That should the property in any district or ward, or any part thereof, escape assessment, or fail in any manner to be assessed, the Trustee is hereby required to assess the same at its actual cash value, and report the amount of the taxes thereon collected to the County Court as "picked up" ^{"Picked up" taxes.} taxes, at the same time he reports lists of errors, etc., giving a description of said property, district or ward in which located, and the Clerk of the Court is hereby required to certify a copy of said report to the officer with whom the Trustee by law is required to settle; and the Trustee shall account for the same in making final settlements of his various accounts; but no assessment authorized by this section, or by section 32 of this Act shall be made for any other years than for the years in which said assessments shall be made, and for three years preceding same.

SEC. 41. BE IT FURTHER ENACTED, That the Clerk of the County Court shall make out from the ^{County clerk to make tax book.} assessment books in his possession a tax book, and deliver to the Trustee said tax book on or before the first Monday of November each and every year respectively, and he shall receive such compensation as the County Court shall low, Provided, That the Trustee shall have first entered into a bond in double the amount of taxes, as required by law. Said tax books shall be made out by districts, and shall be ruled in suitable and appropriate columns, and shall show names of owners in alphabetical order, the number of lots and blocks, number of acres, description of the property as contained in the assessment

roll, the value of each lot, tract or parcel of land, the valuation of personal property under the appropriate head or items called for by this Act, and the total valuation of real and personal property against each taxpayer; also all poll-taxes due according to said assessment books. On the total valuation of the real property of each taxpayer, the State, county, special, road, school, and municipal taxes shall be extended in appropriate columns separately, according to and at the rate levied by the proper authority for each of said purposes, and a column added showing the total of all taxes levied and to be collected from each taxpayer.

Municipal
taxes.

SEC. 42. BE IT FURTHER ENACTED, That taxes on property for municipal purposes shall be imposed on the value thereof, as the same is ascertained by the assessment for State taxation, and shall be collected by the same officers at the time and in the manner prescribed for the collection of the State revenue, except as herein provided, and it shall be the duty of the Clerk of the County Court, in making out the tax books, to place all the property within the limits of any given municipality so that it will be separate from the other property; and by footing up the assessed valuations on each page, and recapitulating such footings, he shall show the aggregate valuations of all property within the limits of each incorporated town, city or taxing district; and in the same manner he shall show the aggregate valuation of all property within the limits of the county. The tax books for realty shall show the name of the owner, if known, the description of each lot, tract, or parcel of land, and the value thereof.

Taxes payable
when.

SEC. 43. BE IT FURTHER ENACTED, That all taxes, State, county, and municipal, to be collected under this Act, shall be payable the first Monday in November, 1899, and on the first Monday in November in each year thereafter, except municipal taxes of cities having a population of from 60,000 to 70,000, by the Federal census of 1890, or any subsequent Federal census, and such other municipal corporation which, under existing laws, are authorized to collect their own taxes in property, privilege and polls.

Delinquent
municipal
taxes.

All delinquent property taxes of all kinds of all municipal corporations for the year 1898, and all succeeding years, shall be certified by the proper officer of said corporations to their respective County Trustees, by the first of June of the year next after they accrue, and the r---

ist which said taxes are assessed shall be sold by the trustee at the same time and as a part of his other sales, the proceeds of such sales shall be disposed of and the property may be redeemed as elsewhere provided in this

Provided, That municipal corporations having the right under their charter to collect their own taxes can do so by ordinance for the collection of their delinquent taxes; Provided, Nothing in this section shall apply to municipal corporations which have a right under the provisions of their charters to assess and collect their own taxes on property, privileges, and polls.

SEC. 44. BE IT FURTHER ENACTED, That the trustee shall give to each taxpayer a receipt, written in Receipt; receipt book. for all the taxes paid by him, numbered, dated and running up, so as to show, in the case of land, by whom and on what taxes were paid; and it shall be the duty of the County Court of each county in this State to furnish the County trustee of said county with a sufficient number of tax receipts, printed in duplicate, and in a blank form in a book or books; and duplicate receipts shall be preserved in said books, to be submitted to the County Court by the trustee whenever required to do so; and said receipt book duplicates, when filled, shall be filed in the office of the County Court Clerk for reference, and shall be receipted by the clerk, and carefully preserved in his office as a record for the protection of taxpayers who have paid their taxes and lost or misplaced their receipts; Provided, however, that in counties of 30,000 population, or over, said duplicate receipts will remain in the Trustee's office as a part of the records thereof.

It shall also be the duty of the County Court to furnish Poll tax receipts. the County Trustee, blank poll-tax receipts not less in number than one and one-half times the number of polls assessed. Such receipts shall be printed in duplicate and numbered from one up, consecutively, and bound in books of 25, 50 and 100 each, and shall have the year printed in large figures on the face of the receipt not less than one inch deep each. Every poll-tax payer shall receive one of these receipts from the Trustee, or deputy trustee, on demand; Provided, That one receipt shall be sufficient for property and poll. The trustee shall be charged with these receipts, and must account for each receipt in his final settlement, either in money or by returning the receipts unused and giving a satisfactory explanation for failing to do so. It

shall be a misdemeanor for any person to print, issue or use any counterfeit poll-tax receipts, punishable by a fine of not less than one hundred, nor more than five hundred dollars.

Aggregate
statement.

SEC. 45. BE IT FURTHER ENACTED, That the Clerk of the County Court shall make out from said tax books an aggregate statement, showing the value of all town lots, the number of acres and value of all tracts of land, and the value of all personal property. This statement shall be made, and the tax shown by civil districts and wards, and shall show the aggregate for the whole county from the items named. Said clerk shall specify, in said statement, which of said districts are suburban, or county districts. This statement shall be forwarded to the Comptroller of the Treasury on or before the first Monday in November in each and every year. He shall also certify a like statement to the Mayor of each municipality by said date.

Penalty
against clerk.

SEC. 46. BE IT FURTHER ENACTED, That should any clerk of the County Court fail to comply with the requirements of the three preceding sections, when within his power to do so, he shall forfeit all claims for compensation for labor and services for making out and preparing said tax books.

Privilege tax
list.

SEC. 47. BE IT FURTHER ENACTED, That it shall be the duty of the assessor to make a return to the County Court Clerk of the name of each person, company, firm or corporation engaged in any business liable in any way to pay a privilege tax in each district or ward under the provisions of law. It shall be the duty of the Judge or Chairman of the County Court, and of the County Court Clerk, to examine the lists so returned, and compare the same with the list of persons paying privileges; and he shall report the result to the Quarterly Court at the July term following the assessment, and the said report shall be read in full meeting of the County Court, and spread upon the minutes of the court.

Poll tax, who
to pay.

SEC. 48. BE IT FURTHER ENACTED, That every male inhabitant between the ages of twenty-one and thirty years, except persons who are deaf, dumb, blind, or incapable of labor and of earning a livelihood, shall pay a poll tax for school purposes.

The rate of taxation on every taxable poll shall be one dollar. Said poll tax shall be collected annually by the

the county, and shall be appropriated for com-
purposes, in the manner prescribed by law.

taxpayer shall pay his poll tax, if liable for poll
before the time he pays his property tax. No Poll tax to be
first collected.
shall receive from any taxpayer his property tax
him therefor, until his poll tax is paid, if liable
; Provided, The Trustee shall not enforce this
where the taxpayer in good faith claims that he is
in arrears for the payment of a poll.

A Trustee who violates this section, or permits it to
be done by any of his deputies, shall be held liable for
damages that may become delinquent on account of
neglect, and any revenue agent may proceed against
him as a delinquent revenue collector, as in other
cases of delinquent revenue collectors.

BE IT FURTHER ENACTED, That the
County Court shall collect all tax on privileges County clerk
to collect
privileges.
and licenses, unless otherwise provided; and that the
Trustee shall continue to act as the collector of
taxes in accordance with the provisions of Sections 1 and 2,
approved on the 24th day of March, 1875, enti-
tled "An Act more cheaply to collect the State, county and
municipal revenue."

BE IT FURTHER ENACTED, That every
person shall pay his State, county, railroad, municipal, What to be
paid trustee;
penalty.
and school, and all his property and poll-taxes to
the County Trustee, except when otherwise provided by
law. Taxes shall be due and payable on the first
day of November of each year, and shall bear interest
from the first day of March following, and in addition, a
penalty of one per cent. for each month the taxes are de-
bted, to be added on the first day of each month, begin-
ning on the first of February, except as otherwise pro-
vided in regard to municipal taxes.

BE IT FURTHER ENACTED, That all
taxes remaining unpaid on the first day of March of each
year shall immediately be collected by the County Trus-
tee, and sale of any personal property liable
for taxes, and the tax books in the hands of said Trustee,
and delinquent lists to be furnished, as herein provided
for, shall have the force and effect of a writ of
judgment and a distress warrant, and execution
return of record authorizing him to make such dis-
sale. Ten days' notice of the time and place of

Delinquents,
proceedings
against; gar-
rishment; fees.

enty-five per cent. commission aforesaid by
; or garnishment, as hereinbefore provided
; assessed against owners of real estate, the
e the same fees as now allowed for like
sts shall be returned by such officer on or
day of July, and after said date poll taxes
/ adding thereto the same rate of interest
are added to delinquent real estate taxes.

e or Deputy Trustee shall make monthly re-
nty Trustee of polls collected, and pay over
all poll-taxes collected during the month,
he fees to which he is entitled by law. On
July, the Constable or Deputy Trustee shall
tlement of the polls in his hands for collec-
e settlement shall be charged with the ag-
of polls in his hands for collection, and be
e amount collected and accounted for; with
nd illegal assessments, and with such insol-
lls as such officer shall show could not have
y law and diligent effort on his part. Any
ue on such settlements may be recovered of
r deputy trustee, and his sureties on his
motion on five days' notice in any court of
d by the County Trustee, or any Revenue
ict Attorney of the State.

Reports as to
polls.

e or Deputy, before entering upon the col-
olls shall enter into a bond, payable to the
see, in a sum sufficient to cover the aggre-
polls to be collected, with two or more
and conditioned to faithfully perform the
nd discharge every balance found against
ment with the County Trustee, which said
proved by the Trustee, and filed for pres-
office of the Clerk of the County Court.

Constable's
bond.

: IT FURTHER ENACTED, That after
June of each year, the Trustee shall adver-
e upon which taxes remain due and unpaid,
e for sale for other taxes, at the door of the
the county on the first Monday in July fol-
advertisement shall be in the form follow-

Delinquent
real estate ad-
vertised.

“DELINQUENT TAXPAYERS TAKE NOTICE.

“On the first Monday in July next, at the court house door (here name county and town), I will offer for public sale all the real estate belonging to delinquent taxpayers for the year ———, a description of which real estate can be seen upon the books in my office; and, if said sale is not completed on the said first Monday in July, the same will continue from day to day until completed.

“(Signed) ———, Trustee.”

Such notice shall be inserted once a week, for three weeks, in some newspaper published in the county; and if none be published, then by posting said notice at the court house door for three weeks previous to said sale, the fee therefor to be paid by the county.

Sale.

SEC. 53. BE IT FURTHER ENACTED, That on the first Monday in July, if the taxes remain unpaid, the Trustee shall proceed to sell the land of each delinquent taxpayer to pay the amount of taxes due by him and all costs, interests, penalties, and charges thereon to the highest bidder for cash; and the sale shall be continued from day to day between the hours of 10 o'clock a.m. and 4 o'clock p.m. each day until all is sold, and the Trustee shall enter on the tax book at the place for entering date of payment, the words “sold to ——— [name], ——— [date].”

As to parties
in possession at
time of sale.

SEC. 54. BE IT FURTHER ENACTED, That any one in possession of land sold for taxes under the provisions of this Act, shall become the tenant of the purchaser at will, from and after the first day of January following the date of sale; provided, however, in cases when the tenant has, prior to the date of sale, paid his rent to a time beyond said first of January, or has, prior to date of sale, given his written obligation covering a period of time beyond said first day of January, and said written obligation is legally owned or held by third parties, then the tenant defined by this Act shall be without any right to collect rent on the part of the purchaser until the expiration of the time paid for, or covered by such written obligation.

State, to buy
in, when; list.

SEC. 55. BE IT FURTHER ENACTED, That tract, lot, or parcel of land shall be sold for less amount than the amount of taxes, interests, penalties, costs, and charges due thereon; and if no person will bid the amount

of such taxes, interests, penalties, costs, and charges, the Trustee shall strike the same off to the Treasurer of the State, to be held in trust for the use of the State, county, and municipality, said sale to be for the amount of said taxes, interests, penalties, costs, and charges thereon due to the State, county, and municipality; and he shall on or before the first Monday of August thereafter, file in the office of the Clerk of the Circuit Court of his county, a certified list of the lands so struck off by him to the State Treasurer, specifying the days of the sale, the amount of the respective taxes for which said sale was made, and each item of costs thereof, which list shall be made in book form, and kept by said Clerk as a part of the official records of his office. The list of land so filed with said Clerk shall be in lieu of conveyances, and shall vest title in said Treasurer for the use aforesaid to all the lands embraced in such list as a conveyance to said Treasurer would do.

SEC. 56. BE IT FURTHER ENACTED, That land struck off to the Treasurer of the State for taxes, interest, and penalties, shall not be sold again for taxes subsequently accruing until the same shall have been redeemed or purchased as provided in sections 64 and 65 of this Act. The Trustee shall report such subsequently accruing taxes, interests, penalties, and costs to the Circuit Court Clerk, who shall enter the amount thus reported as a charge against such land. After the sale, the land shall be assessed to the party owning the right of redemption therein. If any property sold for taxes, and struck off to the State Treasurer, can be rented for a sum sufficient to pay the taxes, costs, and penalties, and subsequently accruing taxes, within one year from taking possession, after deducting from such rents a commission of ten per cent., which may be allowed to any agent for services in renting such property, then the Clerk may take possession of said land and have the same rented out. The net rent each month shall be credited on the amount necessary to redeem said land. The Clerk is hereby authorized to issue such writs of possession as may be ordered by the Court to gain possession said property at any time it may be necessary to remove any person who may deny his right to possession, or who refuses as tenant to pay rents agreed upon.

SEC. 57. BE IT FURTHER ENACTED, That the Trustee shall also make a list of the lands sold to individuals, in book form, in the same manner and at the same

lands bought
in, to whom
assessed;
rental.

List of lands
sold.

provided, the value of such improvements shall not exceed the rental value of the land.

SEC. 59. BE IT FURTHER ENACTED, That on any day of any term of the Circuit Court after the time when such lists of lands sold for taxes and struck off to the Treasurer of the State, or sold to individuals, are filed with the Clerk of said Court, it shall be the duty of the Court, upon the motion of the Trustee, or any revenue agent of the State, or any purchaser, to enter a decree in form about as follows:

Decree confirming sale.

The State of Tennessee,
For use, etc.,

v.

Delinquent property, real,
personal, and mixed, assessed
for taxes due the State,
County and Municipalities in the
County of _____.

It appearing to the satisfaction of the Court that the Trustee for _____ County, in the State of Tennessee, has filed lists of sales of property in said County delinquent for taxes due thereon for the year —, and — years prior thereto to the State, County and Municipalities in said County. It further appearing to the Court that the Treasurer, for the use of the State, etc., and various individuals and corporations, have become purchasers of specific portions of the property as described and set out in said lists. It is therefore decreed by the Court that such sales be confirmed, and that all the right, title, interest, and estate of every kind and character pertaining to said property, or any parcel or portion thereof, is hereby vested in the respective purchasers, as shown by said lists, subject alone, however, to the right of redemption given by the terms of the Act under which such sales are made.

The Clerk of this Court will, upon the payment of the al fees therefor, issue to any purchaser named in said as, a writ of possession to put such purchaser in possession of the property purchased, Provided, said writ shall t issue before the first day of January next, after said es, and that such writs shall be subject to the rights of ants as heretofore defined in this Act.

Writ of possession.

redeemed, then the same shall be paid by said Clerk to the person who owned the land at the time of the tax sale, his heirs or assigns; and the said clerk, and his bondsmen, as the case may be, shall, respectively, be liable for the safekeeping and disposition of said excess in accordance with the provisions of this Act.

SEC. 63. BE IT FURTHER ENACTED, That on the payment of the redemption money, the Clerk shall, on the record of the list of lands struck off to the State Treasurer, and the list of lands to individuals, respectively, write opposite the tract of land the word "redeemed," and with the date of payment and redemption, the person redeeming, and the amount paid, so as to show the amount paid on account of taxes accrued since the sale; and the said Clerk shall be liable on his official bond for any and all moneys collected under this Act, and shall pay over the amount received by him on redemption to the persons entitled to receive the same. Redemption.

SEC. 64. BE IT FURTHER ENACTED, That at any time after the sale of lands for taxes the lands or any part thereof struck off to the Treasurer and reported to the circuit court as herein provided, may be sold at private sale by said clerk to anyone desiring to purchase the same, for not less than the taxes, interest, penalties, and cost due thereon to the date of such sale, and such purchasers shall take the same with all the rights, and subject to all the redemption rights, the same as if he had become purchaser at Trustee's sale. That after the time for the redemption of any tract of land sold for taxes shall have expired, any person shall be entitled to receive from the Clerk of the Circuit Court a conveyance of the title vested in the Treasurer of the State for the uses aforesaid, upon the payment to said Clerk of the whole amount of taxes, interest, and penalties, for which the land was sold, and all costs, interests, and charges consequent upon the sale, with interest at six per cent. per annum, and one per cent. per month penalty from date of sale upon the amount for which said land was sold; and, also, all State, County, and Municipal taxes, interest, and penalties, which shall have accrued on the land since the said sale, with interest thereon, together with three per centum on the whole amount of the purchase money, and fifty cents for making the deed, for compensation for the Clerk, which conveyance shall vest in him a good and indefeasible title to said land, and shall be immediately Private sale.

Conveyance
from circuit
clerk.

d back tax attorney a certificate of purchase as in said act, and from whom said real estate has redeemed within the time required by law, may the Circuit Court Clerk of the county in which estate was sold for a deed; and if it shall be made to the satisfaction of the said Clerk that said real estate has not been redeemed from the party holding the certificate of purchase, it shall be the duty of said Clerk to said purchaser a deed in the same manner as provided in section 66 of this Act.

66. BE IT FURTHER ENACTED, That time for redemption of any tract of land sold for individuals shall have expired, any purchaser shall be entitled to receive from the Clerk of the Circuit Court a deed of the property so purchased, upon payment by said purchaser of the sum of fifty cents, which shall be the compensation for making and delivering said deed, and that the form of said deed shall be in effect, as

Deed in case not redeemed.

of Tennessee, County of _____ ss.

KNOWN That _____, the County Trustee of _____ County of _____, did, on the _____ day of _____, A.D., _____, according to law, sell the following land, situated in said County, assessed _____, to wit: (Here describe the land) for _____ assessed thereon for the year _____ (if sold for less than assessed, it shall be so stated), who _____ became the purchaser thereof, and the purchaser thereof at the sum of _____ and _____ cents; and the time for redemption having expired, I, _____, Clerk of the Circuit Court of said County, by virtue of the power vested in me by law, hereby convey said land _____.

At my hand and the seal of said Court hereunto is _____ day of _____, _____, Clerk.

And, That said seal of the Circuit Court Clerk be a sufficient authentication, and entitle the same to be used without acknowledgment. Said conveyance, if the conveyance provided for in sec. 64, shall be a conveyance of perfect title to the purchaser of said land; and no such conveyance shall be invalidated in any Court,

How deed invalidated; limitation.

tacked to the house or other place where it can be easily seen. The officer's return shall be sufficient evidence to the Clerk that such notice has been served. If the party in possession is a tenant of the original owner, and has paid his rent in advance, or has given his written obligation for the payment of such rents, and such written obligation is legally held or owned by third parties, such party shall have the right to become the tenant of the purchaser at tax sale without rent until the expiration of the time for which he has paid in advance, or until the expiration of his written contract.

SEC. 68. BE IT FURTHER ENACTED, That it shall be the duty of the Clerk of the Circuit Court, on or before the tenth day of each month, to report and pay over to the authorities, State, County, and Municipal, respectively, entitled thereto, all taxes collected by him on redemptions and purchases, as herein provided, during the preceding month, and if he fail to do so, he shall be liable on his official bond for amount collected, and to a penalty thereon of one per centum per day on the amounts so held or retained. Said report shall show the name assessed to, the description of the property, the amount paid in redemption, and name of party redeeming or purchasing; whereupon the Trustee and the collector of Municipal taxes, if such taxes are collected separately, shall enter the fact of such redemption or purchase on the original Tax Duplicate opposite the original assessment, and the further fact of redemption by owner or creditor, or sale by the Clerk to a purchaser.

Circuit clerk to report redemption.

SEC. 69. BE IT FURTHER ENACTED, That any person claiming or owning an undivided interest or part in any property, or any specific portion of any property assessed to another, shall receive a receipt in full for his taxes on paying such portion of the taxes as he claims of the property, or such proportion of the taxes as his quantity of property bears to the whole quantity taxed. Before issuing his receipt in full on any specific portion of such property, the Trustee shall satisfy himself that the value placed on each portion is a correct relative valuation, either by agreement of the parties in interest or the certificate of the Assessor that he has fixed the valuation of said portion.

Receipt to part owner.

This rule shall apply to all taxes, interest, penalties, and that has, or may become a lien on any property in the

and for such services the compensation of said Board shall be established and fixed by each County Court in the State, but in no case shall such compensation exceed \$500 per annum for each of said committee. Municipalities are vested with like power to appoint a like committee with the same powers, duties, and privileges.

SEC. 72. BE IT FURTHER ENACTED, That beginning with the October (1899) term of the County Court, and annually thereafter, the Trustee shall present to said Court a report of all insolvent and delinquent taxpayers' double assessments in his County, with the amount due from each, which report shall be verified by the affidavit of the Trustee that he has made, in person or by deputy, a legal demand for taxes of all delinquent taxpayers found in his County, by going to their places of abode or business, and searching for something to seize or sell for taxes; that the taxpayers mentioned in the report have failed to pay their taxes, and have no effects known to him which can be made to pay the same; and that he has made diligent inquiry as to such delinquents as have not been found, and cannot find them in his County, and they have no effects known to him which can be made to pay their taxes. The County Court shall proceed to examine said report, and shall allow the Trustee a credit for such taxes so reported insolvent or delinquent double assessments, as it may be satisfied remain uncollected without the default of the Trustee, and no more; and a list of such allowances shall be made out and certified by the Clerk of the County Court, and transmitted to the proper authorities of the State, County, and Municipality, respectively; and said report shall be spread upon the minutes of the County Court and Municipality, respectively. The County Court shall not allow the Trustee a credit for the insolvent list that he reports merely because he presents it duly sworn to; but the Court shall examine carefully each credit claimed by the Trustee, and avail themselves of any information by witnesses to test the accuracy of the report, and shall not allow the Trustee credit for the taxes of any delinquent who may be ascertained to have anything in his possession, or any right of action by a sale of which the Trustee would be able to make the taxes; and a list of the lists for which the Court shall not allow a credit shall be charged against the Trustee, and, notwithstanding that the County Court may have allowed the Trustee

Insolvent delinquents.

the time the same should have been paid, which is in addition to attorney's fees hereinafter provided, none of which shall in any way be remitted after the matter is placed in the hands of the attorney; and they shall, in addition, forfeit their respective offices.

(1) A motion or suit lies in favor of the State, county, corporation, or municipality against the Trustee and his sureties on his official bonds, for any moneys in his hands officially not paid over or accounted for according to law, or for failure to collect. Motion or suit against trustee

(2) The motion or suit in favor of the State may be brought in the name of the State, and shall be made or brought by the State's Revenue Agents or by District Attorney of the circuit or district where it is instituted, upon the request of the State's Revenue Agent, made upon direction of the Comptroller and Treasurer. Favor of state.

(3) The motion or suit by the County may be brought in the name of the State for the use of the County by the District Attorney or by counsel employed for that purpose. Favor of county.

(4) A motion or suit in favor of the municipality may be brought in the name of the State for the use of such municipality by the Mayor thereof, or the City Attorney. Favor of municipality.

(5) In each case the counsel making the motion and conducting the suit shall be allowed fifteen per cent. on the recovery as compensation as hereinafter fixed, to be added to and become a part of the judgment. Fees.

(6) The fees allowed to the counsel for the State shall be collected by the State's Revenue Agent and reported and accounted for as hereinafter provided.

(7) The fees allowed to the Counsel or Revenue Agent for the County shall be collected by the Counsel or Revenue Agent for the County, and reported to the County Judge or Chairman.

(8) The fees allowed to the City Attorney shall be collected by said City Attorney and reported to the Mayor or the city or other chief official.

(9) In case the Judge or Chairman of the County Court should refuse to make the motion or bring the suit hereinbefore provided for, after the written request of any taxpayer to do so, then any taxpayer of the County may make such motion or bring such suit in the name of the State for the use of the County, and employ counsel to conduct the cause; but before making such motion or When taxpayer may proceed against trustee.

ceed the amounts fixed by Chapter 124 of the Acts of the General Assembly, passed March 30th, 1897.

SEC. 76. BE IT FURTHER ENACTED, That in all instances in which current municipal taxes are collected by the County Trustee, the following provisions and rules for the collection of delinquent taxes that may be due to said municipalities, and none other, shall prevail and obtain, anything in this Act to the contrary notwithstanding: Delinquent
municipal
taxes.

(1) The taxes levied and assessed by such municipalities shall become due and delinquent on the dates as now provided by existing laws.

(2) If such municipal taxes be not paid on or before the date fixed for the delinquency thereof, then a penalty of five per cent. thereon shall at once accrue. If the same be not paid on or before the first day of the following month, then an additional penalty of two per cent. thereon shall accrue, and an additional penalty of one per cent. shall accrue on the first day of each month thereafter that the same shall remain unpaid until such penalty shall reach the sum of ten per cent. on the original tax, whereupon the said penalty shall be no further increased. Penalty.

(3) The accrual of the penalty aforesaid shall in no respect affect the interest to be paid on said taxes from the date they become delinquent, such interest to be paid as if no penalty had been imposed. Interest.

(4) No distinct or independent sales by the Trustee shall be made of the property upon which the said municipal taxes shall become delinquent, but in respect of all municipal taxes the Trustee shall sell therefor, at the same time, under the same advertisement, and under all the proceedings herein provided for, at the next sale thereafter to be made for delinquent State and County taxes, such next sale to be made for all taxes except as hereinafter provided, then delinquent to the State, county, and municipality. Sale.

(5) Within thirty days after the passage of this Act the Back Tax Attorneys appointed under Section 80, Chapter 124, of the Acts of 1895, shall, except as hereinafter provided, turn over and deliver to the County Trustees all books, papers, and documents whatsoever, if there should any not heretofore turned over, in their hands relating to the delinquent taxes in said Back Tax Attorney's office, and that, as promptly as practicable after the passage of this Act, all delinquent taxes may be paid in the one place, to wit: That of the County Trustee, and the said Back tax at-
torneys to turn
over books, etc.

effectually prosecute the same, all delinquent tax books in their respective offices pertaining or relating to such taxes for which suits are pending may remain therein until the final termination of such proceedings, at which time the same shall be turned over to the respective County Trustees, as hereinbefore provided in regard to other delinquent tax books.

SEC. 78. BE IT FURTHER ENACTED, That all sales heretofore made by Back Tax Attorneys, by authority of Chapter 120, of the Acts of 1895, at which the State became the purchaser, are hereby abrogated and annulled so far as concerns any title or claim of title thereunder acquired, and with the exceptions hereinbefore provided the County Trustees respectively, at the first sale to be made under this Act, shall sell the same for all State, county, and municipal taxes then delinquent. Certain back tax sales annulled; resale.

SEC. 79. BE IT FURTHER ENACTED, That there shall be appointed by the Comptroller four revenue agents, who shall hold their office for a term of two years from the date of their appointment. That part of the State to which each is assigned shall be designated by the Comptroller. Each shall enter into bond in the penal sum of twenty thousand (\$20,000) dollars, with two or more solvent securities, to be approved by some Justice of the Supreme Court, or Chancellor, before whom they shall take the usual oath of office. Said bond shall be made payable to the State, and conditioned on the faithful discharge of duty, and for the covering into the State Treasury all moneys collected. The Comptroller shall furnish them with such reports, documents, data, or other information as will facilitate their investigations. It shall be their duty, under the direction of the Comptroller, to examine the records of all officials charged with the collection of State, school, or county revenue, or any one who collects State or county revenue without authority of law to do so, or with the disbursement of revenue received from the State or county, and to investigate, when necessary, all bills of costs, fees, or other items certified to the State or county for payment out of the State or County Treasury. Revenue agents.
Duties.

If either of said agents shall have reason to believe that any officer having charge of the collection or disbursement of State and County Revenue is not properly collecting or disbursing such revenue, or accounting for the same according to law, such agent shall make such investigation,

bondsmen; Provided, That no revenue agent shall receive more than \$2,000 per year as his compensation, the remainder of the fees collected to be turned into the State Treasury; said compensation to be paid out of the fees collected by said revenue agent or agents. The revenue agent shall be entitled to retain out of the fifteen per cent. herein allowed as fees, in addition to the maximum salary herein allowed their actual necessary expenses properly incurred in prosecuting and attending such business; Provided, That an itemized statement of such expenses duly sworn to, giving date, amount, and character of expense, shall be first furnished to the Comptroller, and in the absence of such statement such expenses shall not be allowed or retained. They shall report and remit, as other officials, on blanks furnished them by the State Comptroller, to the proper authorities. It is hereby declared a misdemeanor for any official to refuse to allow said revenue agents full and free access to all the books and records pertaining to or belonging to his office, and any official so refusing shall be liable to a fine of not less than one hundred (\$100) dollars, nor more than five hundred (\$500) dollars for each refusal. They shall, by direction of the Comptroller, present and obtain allowance by the Court, both State and Federal, of all taxes, whether privileges or ad valorem, due the State from property or its proceeds in the hands of receivers under appointment of the Court, or otherwise in the custody of the law.

Necessary expenses.

Penalty for refusing agents access to books.

They shall likewise bring and prosecute suits, upon direction of the Comptroller, for all delinquent taxes due from railroads, express companies, news companies, telegraph companies, telephone companies, or other taxpayer who is required to pay his tax directly to the Comptroller's office.

Sue delinquent railroad, etc., companies

In all the suits brought or prosecuted by said Revenue Agents, if in the Federal Court, the Attorney-General for the State shall assist therein, and if in the Circuit or District Courts, the District Attorney-General of the district wherein the suit is pending, shall assist therein, the Attorney-general shall not be entitled to any fees for such services.

Attorneys.

To indemnify the State against the compensation and expenses of said Revenue Agents, 10 per cent. will be added to the recovery in all suits brought by said Revenue Agents against companies or parties who pay directly to the Comp-

Ten per cent. added, when; compromise.

(3) A Privilege License Book, which shall contain licenses for all privileges in original and duplicate form, said original and duplicate to be numbered numerically. Said duplicate shall be marked duplicate, and shall show exactly what is shown on said original, and shall remain in said book when the original license is issued. Said duplicate and original privilege license shall be of the form as required by law.

(4) A Liquor Dealer's Bond Book, containing the bonds and oaths necessary to be subscribed to before obtaining license as required by law.

(5) Marriage License Bond Book, setting out and showing the bond of persons obtaining marriage license, such bond to be in the form as required by law.

(6) A Marriage Record Book, which shall show succinctly date of issuance of marriage license, name of parties authorized to be married, name of bondsmen, by whom married, and the date of marriage.

(7) A Book showing record of Land Sales and acknowledgments taken, which shall show date of instrument of conveyance, name of parties, amount for which sale was made, and tax on said conveyance, and Clerk's fees.

(8) Distress Warrant Docket, which shall show in detail name of party distressed, what business engaged in, return date of issuance, date of return, amount due the Clerk for State and County taxes, and amount of fees and costs.

(9) A Merchant's Book, which shall, in detail, show date of issuance of merchant's license, name of merchant, address, amount of average capital paid in, license number, expiration of license, and shall be so made as to show the renewal of said license for three years, in detail, as above provided, and the names of merchants shall be alphabetically arranged in said Book.

(10) A book in which shall be registered each County Warrant, countersigned by said County Court Clerk. Said book shall show, in detail, date of registration of said warrant, date of issuance, County Judge or Chairman's number, register number, to whom issued, and for what purpose issued.

(11) A Revenue Docket, which shall show, in detail, date of issuance, to whom issued, place of business, date of expiration, page of Bond Book, character of license or

SEC. 82. BE IT FURTHER ENACTED, That all laws, or parts of laws, in conflict upon the subject of the assessment and collection of taxes, and the sale of land for taxes, in conflict with the provisions of this Act be, and the same are hereby, repealed. This repeal shall operate as to all taxes assessed under this Act, but shall not operate so as to interfere with the taxes assessed prior to the passage of this Act, except as hereinbefore specially otherwise provided. Repeal, operate as to what.

SEC. 83. BE IT FURTHER ENACTED, That it shall be the duty of each Judge of the Courts of the State having criminal jurisdiction to specially give in charge to, and have the grand jury of his Court specially investigate all offenses defined in this Act, and inquisitorial power is given to grand juries in the premises. It shall also be the duty of the respective District Attorneys of the State, upon the information or at the request of any reputable citizen of the State, to investigate and prosecute ex officio all the offenses defined in this Act. Judge to give in charge.

SEC. 84. BE IT FURTHER ENACTED, That this Act take effect from and after the first Monday in June, 1899, the public welfare requiring it.

Passed April 21, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 24, 1899.

BENTON McMILLIN,
Governor.

SENATE JOINT RESOLUTIONS.

NUMBER 1.

Be it resolved by the General Assembly of the State of Tennessee, That a committee of two from the Senate and three from the House, be appointed by the speaker of the respective houses to investigate and report as early as practicable the condition of the offices of treasurer and comptroller, and all state revenue agents, with authority to summon witnesses and send for books and papers; and that to this end any member of the committee may issue or serve subpoenas, or have the same served by the sergeant at arms of either the House or the Senate; and that they be authorized to enforce their attendance, and that the chairman or any member of the committee be authorized to administer oaths.

Be it further resolved, That the committee is authorized to investigate transactions between either of said offices, and any other office or person in the state, relating to the business of either office, and for this purpose is vested with all the power and authority above specified.

And be it further resolved, That said committee is authorized to employ, for the purpose of said investigation, two expert accountants, at not exceeding \$10 per day for the two.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved January 9, 1899.

ROBT. L. TAYLOR,
Governor.

atives, upon any subject or subjects embraced therein, shall be referred to this committee; and all bills affecting in any way, or looking to the abolition of any of the courts in this state, shall be referred to this committee.

Sec. 6. Be it further resolved, That if said committee shall not have completed its investigations before a recess, it shall have full authority to sit and continue its labors during the recess until finished.

Adopted January 21, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved January 27, 1899.

BENTON McMILLIN,
Governor.

NUMBER 11.

Whereas, It is to the interest of that great class of the citizens of Tennessee who patronize the public schools of the state, that the cheapest text-books, consistent with good scholarship and sound learning, should be adopted and used in our public schools; and,

Whereas, It is apparent that the children of the state are now paying higher prices for school books than for other classes of books of merely equal quality and original cost; and,

Whereas, A substantial reduction in the selling price of books used in the public schools of other states has been brought about by fair, conservative, and constitutional legislation therein;

Therefore, Be it resolved by the General Assembly of the State of Tennessee, That a select committee of seven be appointed by the speakers of the Senate and House, respectively, three from the Senate and four from the House, whose duty it shall be to investigate the cost and selling price of school

NUMBER 15.

Whereas, The department of justice of the United States has responded to the suggestion that the new penitentiary of Tennessee is a suitable place for the incarceration of United States prisoners, and has sent an examiner to report on the prison and Tennessee's prison system; and,

Whereas, The examiner has reported that Tennessee's new penitentiary and prison system compares favorably with the best institutions of the kind in the United States; and,

Whereas, Said United States prison examiner has recommended that the attorney-general of the United States make arrangements with the board of prison commissioners for the maintenance of United States prisoners; and,

Whereas, These United States prisoners can be maintained without additional expense other than food and clothing, and no increase of other expenses, and the new penitentiary has ample capacity for such prisoners, and United States prisoners are an intelligent, expert, and useful class of prisoners,

Therefore, Be it resolved by the Senate and House of Representatives, That the board of prison commissioners, or superintendent of prisons, or prison management, be authorized and empowered to contract and arrange with the attorney-general of the United States for the receipt and maintenance of such United States prisoners sentenced by the United States courts as he may conveniently deliver free of charge to the new penitentiary, upon such terms and on such conditions as the board of prison commissioners may deem profitable to the state; such contract or arrangement to be subject to termination at any time by the board of prison commissioners giving reasonable notice of their desire to do so;

Provided, That when any contract shall have been made with the prison commissioners for the keeping of United States prisoners, a duplicate of said contract shall be filed with the secretary of state, within twenty days thereafter.

mmended to go into the state tre
it of the state expenses.

sted January 25, 1899.

SEID WADI

Speaker of t

JOSEPH W. BY

Speaker of the House of Repr

roved January 27, 1899.

BENTON McMLI

NUMBER 20.

t resolved by the General Asse
f Tennessee, That a committee
ie Senate and two from the I
by the respective speakers, w
e to investigate and report hov
in the capitol, in all department
department, and what services a
. employe, and whether or not his
ed, and whether or not any su
dispensed with, and which ones,
acts in this regard as will inform
his subject, to the end that all
es may be dispensed with.

oted February 22, 1899.

SEID WADI

Speaker of t

JOSEPH W. BY

Speaker of the House of Repr

roved February 23, 1899.

BENTON McMLI

NUMBER 25.

Whereas, Mr. Sam N. Warren, the live stock commissioner on the state board of health, has not been paid for his services since September 15, 1898, on account of a technicality of the law; therefore, be it

Resolved, by the Senate, the House concurring, That the state board of health is hereby empowered and authorized to pay the said Sam N. Warren the amount of one hundred and twenty-five (\$125) dollars per month from September 15, 1898, to March 1, 1899, out of money already appropriated for the use of the state board of health.

Adopted February 25, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

NUMBER 28.

Be it resolved by the General Assembly of the State of Tennessee, That a committee of five be appointed, to consist of three from the House and two from the Senate, for the purpose of investigating and looking into the sanitary condition of the capitol building, especially as to heating, ventilation of closets, condition of the roof and basement, and what duties, if any, devolve upon the official designated as the superintendent of the state capitol, under the law.

Adopted February 28, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved March 2, 1899.

BENTON McMILLIN,
Governor.

NUMBER 30.

Inasmuch as Col. E. W. Cole and Mr. Herman Justi resigned as members of the board of trustees of Tennessee School for the Blind, and Mr. W. O. Collier and Hon. Wm. Litterer have been elected to fill the places vacated; therefore be it

Resolved, by the Senate, the House concurring, That the election of said Collier and Litterer be confirmed, in accordance with the statute so requiring.

Adopted March 1, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved March 3, 1899.

BENTON McMILLIN,
Governor.

NUMBER 31.

Whereas, W. L. Leonard, of Marshall county, was convicted and sentenced to the penitentiary upon the charge of larceny of Marshall county bonds, and the costs accruing at the instance of the state amounted to the sum of \$547.50, and the said Leonard appealed to the supreme court, which sentence was affirmed by said court. The supreme court clerk thereon issued an execution against said Leonard for costs, which execution was returned by the sheriff of Marshall county nulla bont. At the time of the conviction of said Leonard he owned a house and lot in the town of Lewisburg, but before the judgments in the supreme court, he transferred said property. After the return

of said execution, Marshall and Armstrong, under the direction of the attorney-general, Lillard Thompson, and the comptroller, James A. Harris, filed a bill asserting that the lien of the state was superior to the transfer, and was fraud upon the rights of the state. As soon as said bill was filed the vendee from Leonard answered the same and reconveyed the property to Leonard, admitting that the conveyance by Leonard to her was without consideration; thereupon, said Marshall and Armstrong dismissed their bill and had an alias execution to issue from the supreme court and had the same levied on said property and sold and at said sale R. C. Armstrong bid the said property in as attorney or trustee for the state at the price of \$547.50, that being the amount of costs that the state would have to pay unless made out of Leonard. Said levy and sale was perfected within twelve months from date of supreme court judgment.

Whereas, It further appears that W. J. Leonard is now dead, and his widow is claiming homestead in said land, and that such claim is a cloud upon the state's title, and in view of the fact that the state does not desire to hold and own real estate, but simply wants to protect herself against costs that she will have to pay in said case; therefore,

Be it resolved by the General Assembly of the State of Tennessee, That R. C. Armstrong, as trustee and attorney for the state, be, and is hereby, empowered to take such steps to dispose of said property, or to file bill to remove cloud upon title or to compromise said suit, provided that any steps he may take must first be authorized by the governor, attorney-general and comptroller, and that any compromise must first be submitted to the above parties, and by them affirmed and ratified.

Be it further resolved, That in the event the said matter is compromised and the land is sold, that said R. C. Armstrong may convey the title to the same trustee of the state.

Be it further resolved, That said firm of Marshall & Armstrong, shall be paid a reasonable attorney for their services in said matter, said fees to be paid out of any amount they may sell said land, and

nt of compensation for their services to be
e attorney-general for the state and the gov
rovided, That the fees of said attorneys
out of the recovery, and not otherwise.
lopted March 2, 1899.

SEID WADDELL,
Speaker of the Sen

JOSEPH W. BYRNS,
Speaker of the House of Representati

NUMBER 33.

it resolved by the General Assembly o
of Tennessee, That the speakers of the
House, respectively, appoint a committee o
the Senate, and seven from the House, to
Ion. W. J. Bryan at Chattanooga, on th
nt, and escort him to Nashville, where h
d to address the legislature on the 22d;
ovided, That this committee shall not b
ise to the state.
lopted March 17, 1899.

SEID WADDELL,
Speaker of the Sen

JOSEPH W. BYRNS,
Speaker of the House of Representati

oved March 21, 1899.

BENTON McMILLIN,
Govern

NUMBER 34.

Resolved by the General Assembly of the State of Tennessee, That a committee of three, one from the Senate and two from the House, be appointed by the respective speakers for the purpose of considering and reporting the propriety and necessity of employing a competent architect to examine and report as to the condition and state of repair of the capitol building, and the probable cost of making needed repairs so as to preserve the building.

Adopted March 21, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved March 23, 1899.

BENTON McMILLIN,
Governor.

NUMBER 35.

Whereas, There are now in the capitol building, in the various offices about ten or twelve telephones; and, whereas, these are maintained at the state's expense, costing from \$75.00 to \$100.00 per month; and, whereas, all of these telephones are upon the first floor, except one; and, whereas, the state should not be made to pay for these telephones, but if the officials want them they should pay for them themselves; Therefore,

Be it resolved by the General Assembly of the State of Tennessee, That the state officials, nor any other person, shall not be authorized to maintain, at the state's expense, any telephone, and that it is the sense of this body that no appropriation hereafter shall be allowed for this purpose, and no credit shall be given to them for expenditures for this purpose.

any settlement, and no money shall be drawn out of the treasury of the state to pay for telephones.

Be it further resolved, That the superintendent of the capitol is hereby directed to have one telephone maintained in the capitol, at the expense of the state, and he is further directed to have all other telephones removed immediately, unless the same are ordered and paid for individually by each official.

Adopted March 21, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved March 23, 1899.

BENTON McMILLIN,
Governor.

NUMBER 37.

Be it resolved by the House of Representatives, the senate concurring, That our senators and representatives in congress, be, and the same are hereby, requested to vote and work for a bill authorizing and requiring the postmaster-general to grant and extend the franking privilege of all official mail to all of the various departments of agriculture in all states and territories in the Union.

Be it further resolved, That the secretary of state hereby directed to furnish the senators and representatives in congress from the State of Tennessee, a copy of this resolution.

Adopted April 3, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved April 5, 1899.

BENTON McMILLIN,
Governor.

NUMBER 38.

Whereas, The Stone's River Battle Field and National Park Association, after obtaining a charter from the state, has placed many markers at historic points upon the battlefield of Stone's river, in Rutherford county, Tennessee, and have published and circulated literature urging upon the government of the United States to buy and set apart the field where said battle was fought, and for which purpose a bill for one hundred and twenty-five thousand dollars has been pending in the congress of the United States for the last three years; and,

Whereas, Said association having expended and exhausted its funds, and being advised that it is necessary to present to congress a topographical survey of said battlefield, and their labor to preserve said battlefield, and create out of it a national military park near the geographical center of the state, being a work of patriotism and love; therefore,

Be it resolved, That the state should encourage and aid such a setting apart of said historic battlefield for such uses, in every way possible, as a perpetual witness of valor, devotion and chivalrous feats of arms never surpassed in the pages of American history.

Adopted April 3, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved April 6, 1899.

BENTON McMILLIN,
Governor.

NUMBER 39.

s, There is complaint among the property owners along the banks of the river, flowing close by the Brushy, on account of the fact that the slack in the coal washer has filled up with water, which have ruined the land; therefore, Resolved by the Senate, the House, That a committee of one on the part of the Senate, and one on the part of the House, be appointed, to investigate, respectively speakers, whose duty it shall be to make a special investigation of the damage done to the legislature what damage sustained, to what amount, if any, and to make a recommendation for relief as in and to the satisfaction of the aggrieved property holders are entitled to. Further resolved, That only the necessary expenses (itemized), be allowed, and that they be excused in the length of time to make said investigation. Adopted April 6, 1899.

SEID WADDE

Speaker of the Senate

JOSEPH W. BYRNE

Speaker of the House of Representatives

Adopted April 7, 1899.

BENTON McMILLIN

C

NUMBER 40.

Whereas, It is claimed that acting under the written advice of the attorney-general for the state, after the adjournment of the legislature in 1895, the comptroller purchased at private sale, and at the market price, through the state's fiscal agents, Latham. Alexander & Co., of New York, about \$90,000 Tennessee 3 per cent. bonds; and,

Whereas, It is claimed that after the purchase of said bonds, they depreciated in value, and it became apparent, for this reason, and because of the state's threatened financial condition, that it was not to the best interest of the state to redeem said bonds, and the comptroller ordered their sale; and,

Whereas, It is claimed that the amount realized from the sale was not equal to the amount for which they were originally purchased, but the comptroller, out of his own personal funds, made the amount good, thereby saving the state harmless from any loss whatever; therefore,

Be it resolved by the Senate, the House concurring, That the committees on Finance, Ways and Means of the Senate and the House, respectively, be authorized to fully investigate this transaction, and if, in their judgment, the state should reimburse the comptroller, they may include the amount in the general appropriation bill, and submit same to the legislature for allowance or disallowance, as the legislature may determine.

Adopted April 3, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved April 5, 1899.

BENTON McMILLIN,
Governor.

NUMBER 49.

Be it resolved by the General Assembly of the State of Tennessee, That the general assembly take a recess on 11 o'clock p. m. on Friday, April 7, 1899, to meet again on Tuesday, April 11, at 10 o'clock a. m.
Adopted April 7, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved April 7, 1899.

BENTON McMILLIN,
Governor.

NUMBER 54.

JOINT RESOLUTION of the Fifty-first General Assembly of Tennessee appointing the following committee to receive and expend funds for the erection of a monument to the memory of Sam Davis: Jno. M. Lea, Jas. W. Allen, Jno. W. Childress, Jno. W. Thomas, R. H. Dudley, G. H. Baskette, E. C. Lewis, Jno. C. Kennedy, S. A. Cunningham—\$2,100;

Whereas, Mr. S. A. Cunningham, editor of the Confederate Veteran, undertook some time ago to perpetuate the memory of Sam Davis, the Confederate hero and scout, by opening a popular subscription through the columns of his magazine for a fund to erect a shaft or monument to stand as a continual example to future generations of a people's appreciation of self-sacrifice and loyalty to country and duty. About \$2,100 has already been subscribed and now in his hands, and Mr. Cunningham is desirous that the fund be turned over to a committee appointed by the general assembly, who shall be empowered to receive said fund and any other amounts

and redistricted, and the public welfare sub-
and,
areas, There no longer exists in the state any
or necessity for the service of the said official,
continuance in office of said official, or the
continuance in existence of said office as now
g, and the public welfare requires a reduction
number of circuit judges, chancellors, and at-
general in this state, to the end that a reduc-
ay be had in the judicial expense of the state
promotion of economy in the administration
ic justice, and to this end the present general
y, by appropriate legislation, has abolished the
f which the aforementioned official was the chan-
thus making it unnecessary that he should
remain on the pay-roll of the state, and testi-
o and emphasizing the eminent ability, fidel-
ity, and faithfulness of the above named offi-
private and public life, and it appearing that
has been given to the aforesaid Lee Thornton,
lor of part 2 of the chancery court of Shelby
accompanied with a statement of the causes
removal from office, as provided and contem-
in section 6 of article 6 of the constitution of
te of Tennessee, after hearing and due con-
on hereof; therefore,
t resolved by the Senate of the State of Ten-
the House of Representatives concurring,
foresaid Lee Thornton be, and is hereby, re-
from the office of chancellor of part 2 of the
y court of Shelby county as aforesaid, for
ses mentioned and set forth hereinbefore.
ted April 20, 1899.

SEID WADDELL,

Speaker of the Senate.

JOSEPH W. BYRNS,

Speaker of the House of Representatives.

oved April 21, 1899.

BENTON McMILLIN,

Governor.

NUMBER 57.

Whereas, The public welfare requires the removal from office of the following named official, to wit: T. A. R. Nelson, judge of the criminal court of Knox and Sevier counties, State of Tennessee; and,

Whereas, Such necessity for removal from office of the aforesaid official arises from the reasons and causes that there is not sufficient business to require or justify the retention in office of said official; and,

Whereas, It is necessary for the welfare of the state that the judicial circuits and chancery divisions of the state should be redistricted, and the aforenamed official removed from office, to the end that the said circuits and divisions may be properly rearranged and redistricted, and the public welfare subserved; and,

Whereas, There no longer exists in the state any reason or necessity for the service of the said official or the continuance in office of said official, or the further continuance in existence of said office as now existing, and the public welfare requires a reduction in the number of circuit judges, chancellors and attorneys general in this state, to the end that a reduction may be had in the judicial expense of the state, for the promotion of economy in the administration of public justice, and to this end the present general assembly, by appropriate legislation has abolished the court of which the aforenamed official was the judge, thus making it unnecessary that he should longer remain on the pay-roll of the state, and testifying to and emphasizing the eminent ability, fidelity, purity and faithfulness of the above named official in private and public life, and it appearing that notice has been given to the aforesaid T. A. R. Nelson, judge of the criminal court of Knox and Sevier counties, accompanied with a statement of the causes for removal from office, as provided and contemplated section 6 of article 6 of the constitution of the State of Tennessee, after hearing and due consideration hereof; therefore,

Be it resolved by the Senate of the State of Tennessee, the house of representatives concurring, T

the aforesaid T. A. R. Nelson be, and is hereby, removed from the office of judge of the criminal court Knox and Sevier counties, as aforesaid, for the uses mentioned and set forth hereinbefore.

Adopted April 20, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved April 21, 1899.

BENTON McMILLIN,
Governor.

NUMBER 58.

Whereas, the public welfare requires the removal from office of the following named official, to wit: J. L. Grigsby, judge of the nineteenth judicial circuit, State of Tennessee; and,

Whereas, such necessity for removal from office of the aforesaid official arises from the reasons and uses that there is not sufficient business to require justify the retention in office of said official; and,

Whereas, it is necessary for the welfare of the state that the judicial circuits and chancery divisions of the state should be redistricted and the aforementioned official removed from office, to the end that the said circuits and divisions may be properly rearranged and districted, and the public welfare subserved; and,

Whereas, there no longer exists in the state any reason or necessity for the service of the said official, the continuance in office of said official, or the further continuance in existence of said office now existing, and the public welfare requires a reduction in the number of circuit judges, chancellors and attorneys-general in this state, to the end that a reduction may be had in the judicial expense of the state, for the promotion of economy in the administration of public justice, and to this end the present general assembly, by appropriate legislation, has abolished the

the state should be redistricted, and the aforementioned official removed from office, to the end that the said circuits and divisions may be properly rearranged and redistricted and the public welfare subserved; and,

Whereas, there no longer exists in the state any reason or necessity for the service of said official, or the continuance in office of said official, or the further continuance in existence of said office as now existing, and the public welfare requires a reduction in the number of circuit judges, chancellors and attorneys-general in this state, to the end that a reduction may be had in the judicial expense of the state for the promotion of economy in the administration of public justice, and to this end the present general assembly, by appropriate legislation, has abolished the court of which the aforementioned official was the judge, thus making it unnecessary that he should longer remain on the pay-roll of the state, and testifying to and emphasizing the eminent ability, fidelity, purity and faithfulness of the above named official, in private and public life, and it appearing that notice has been given the aforesaid John M. Taylor, judge of the criminal court, eleventh judicial circuit, State of Tennessee, accompanied with a statement of the causes for his removal from office as provided and contemplated in section 6 of article 6 of the Constitution of the State of Tennessee, after hearing and due consideration hereof; therefore,

Be it resolved by the Senate of the State of Tennessee, the House of Representatives concurring, That the aforesaid John M. Taylor be, and is hereby, removed from the office of judge of the criminal court of the eleventh judicial circuit, State of Tennessee, as aforesaid, for the causes mentioned and set forth hereinbefore.

Adopted April 20, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved April 21, 1899.

BENTON McMILLIN,
Governor.

see, the House of Representatives concurring, that the aforesaid E. F. Mynatt be, and is hereby, removed from the office of attorney-general of Knox and Sevier counties, as aforesaid, for the causes mentioned and set forth hereinbefore.

Adopted Apr'l 20, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved April 21, 1899.

BENTON McMILLIN,
Governor.

NUMBER 61.

Whereas, the public welfare requires the removal from office of the following named official, to wit: C. F. Martin, attorney-general of the criminal court of Montgomery county, State of Tennessee; and,

Whereas, such necessity for removal from office of the aforesaid official arises from the reasons and causes that there is not sufficient business to require or justify the retention in office of said official; and,

Whereas, it is necessary for the welfare of the state that the judicial circuits and chanbery divisions of the state should be redistricted and the aforementioned official removed from office, to the end that the said circuits and divisions may be properly rearranged and redistricted and the public welfare suberved; and,

Whereas, there no longer exists in the state any season or necessity for the service of said official, or the continuance in office of said official, or the further continuance in existence of said office as now existing, and the public welfare requires a reduction in the number of circuit judges, chancellors and attorneys-general in this state, to the end that a reduction may be had in the judicial expense of the state, for the promotion of economy in the administration of public justice, and to this end the present

Whereas, it is necessary for the welfare of the state that the judicial circuits and chancery divisions of the state should be redistricted and the aforementioned official removed from office, to the end that the said circuits and divisions may be properly rearranged and redistricted and the public welfare subserved; and,

Whereas, there no longer exists in the state any reason or necessity for the service of the said official, or the continuance in office of said official or the continuance in existence of said office as now existing; and the public welfare requires a reduction in the number of circuit judges, chancellors and attorneys-general in this state, to the end that a reduction may be had in the judicial expense of the state, for the promotion of economy in the administration of public justice, and to this end the present general assembly, by appropriate legislation, has abolished the court of which the aforementioned official was the attorney-general, and also his office, thus making unnecessary that he should longer remain on the pay-roll of the state, and testifying to and emphasizing the eminent ability, fidelity, purity and faithfulness of the above named official in private and public life; and it appearing that notice has been given the aforesaid F. B. Owings, attorney-general third judicial circuit, accompanied with a statement of the causes for his removal from office, as provided and contemplated in section 6, article 6 of the Constitution of the State of Tennessee, after hearing and due consideration hereof; therefore,

Be it resolved by the Senate of the State of Tennessee, the House of Representatives concurring, That the aforesaid F. B. Owings be, and is hereby, removed from office of attorney-general third judicial circuit, State of Tennessee, as aforesaid, for the causes mentioned and set forth hereinbefore.

Adopted April 20, 1899.

SEID WADDELL,

Speaker of the Senate.

JOSEPH W. BYRNS,

Speaker of the House of Representatives.

Approved April 21, 1899.

BENTON McMILLIN,

Governor.

that the aforesaid H. B. Lindsay be, and is hereby, removed from the office of judge of the chancery court of the second chancery division, State of Tennessee, as aforesaid, for the causes mentioned and set forth hereinbefore.

Adopted April 21, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved April 22, 1899.

BENTON McMILLIN,
Governor.

NUMBER 64.

Whereas, the public welfare requires the removal from office of the following named official, to wit: C. F. Tyler, judge of the criminal and chancery courts, Montgomery county, Tennessee; and,

Whereas, such necessity for removal from office of the aforesaid official arises from the reasons and causes that there is not sufficient business to require or justify the retention in office of said official; and,

Whereas, it is necessary for the welfare of the state that the judicial circuits and chancery divisions of the state should be redistricted and the aforementioned official removed from office, to the end that the said circuits and divisions may properly be rearranged and redistricted and the public welfare subserved; and,

Whereas, there no longer exists in the state any reason or necessity for the service of the said official, or the continuance in office of said official, or the further continuance in existence of said office as now existing, and the public welfare requires a reduction in the number of circuit judges, chancellors and attorneys-general in this state, to the end that a reduction may be had in the judicial expense of the state, or the promotion of economy in the administration of public justice, and to this end the present general

Whereas, it is necessary for the welfare of the state that the judicial circuits and chancery divisions the state should be redistricted and the aforementioned official removed from office, to the end that the said circuits and divisions may be properly rearranged and redistricted and the public welfare subserved; and,

Whereas, there no longer exists in the state any reason or necessity for the service of the said official, the continuance in office of said official, or the further continuance in existence of said office as now existing, and the public welfare requires a reduction in the number of circuit judges, chancellors and attorneys-general in this state, to the end that a reduction may be had in the judicial expense of the state, for the promotion of economy in the administration of public justice, and testifying to and emphasizing the eminent ability, fidelity, purity and faithfulness of the above named official in private and public life, and it appearing that notice has been given to the foresaid W. B. Leech, accompanied with a full statement of the causes for his removal from office, as provided and contemplated in section 6 of article 6 of the Constitution of the State of Tennessee, after hearing and due consideration hereof; therefore,

Be it resolved by the Senate of the State of Tennessee, the House of Representatives concurring, that the aforesaid official be, and he is hereby, removed from the said office of attorney-general as aforesaid, for the causes mentioned and set forth hereinbefore.

Adopted April 21, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved April 22, 1899.

BENTON McMILLIN,
Governor.

aforesaid S. A. Rogers be, and is hereby
rom the office of judge of the third judicial
aforesaid, for the causes mentioned and set
inbefore.

April 21, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
peaker of the House of Representatives.

April 22, 1899.

BENTON McMILLIN,
Governor.

NUMBER 68.

resolved by the General Assembly of the
Tennessee, That the secretary of state is
authorized and directed to take charge of the
court reports stored in the basement of the
id, after fully advertising, to sell the same
lowest bidder or bidders, for cash, by public
not less than three dollars per volume, re-
serving the right to reject any bid he may think dis-
advantageous to the state; sales to be made in such
manner as the secretary of state may think will yield the
most, and all proceeds to be paid into the state
treasury; but the secretary of state will retain thirty
percent on each report for the use of the state, to be
paid by him.

April 22, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
peaker of the House of Representatives.

April 22, 1899.

BENTON McMILLIN,
Governor.

NUMBER 70.

Be it resolved by the Senate, the House concurring, That the fifty-first general assembly adjourn sine die on Monday, April 24, 1899, at 7 o'clock, post meridian.

Adopted April 24, 1899.

SEID WADDELL,
Speaker of the Senate.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Approved April 24, 1899.

BENTON McMILLIN,
Governor.

USE JOINT RESOLUTIONS.

HOUSE JOINT RESOLUTIONS.

NUMBER 3.

Be it resolved by the General Assembly of the State of Tennessee, That a committee of two on the part of the Senate and three on the part of the House, be appointed by the speakers of the respective bodies to investigate the office of the secretary of state and make their report to the general assembly.

Adopted January 6, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved January 10, 1899.

ROBERT L. TAYLOR,
Governor.

NUMBER 5.

Be it resolved by the Senate and House of Representatives, That a committee of three from the House and two from the Senate be appointed by the respective speakers, to investigate the office of the state board of health.

Adopted January 5, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved January 10, 1899.

ROBT. L. TAYLOR,
Governor.

certained that no election was made by the vote of the two houses in separate session for said senatorial position, that then the joint assembly of the two Houses proceed to choose by a viva voce vote of each member present, a person for the position and term of office aforesaid.

Be it further resolved, That in case there be no election on the Wednesday above named, for said senatorial term, then said joint assembly shall meet at 12 o'clock meridian, in the same place, on each succeeding day during the current session of the legislature, and in the manner above named, take at least one vote for said senatorial position and term until an election has been made for the same.

Adopted January 6, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved January 10, 1899.

ROBT. L. TAYLOR,
Governor.

NUMBER 14.

Be it resolved by the General Assembly of the State of Tennessee:

1. That a committee of two (2) on the part of the Senate and three (3) on the part of the House, be appointed by the respective speakers thereof to investigate the office of adjutant-general.

2. That a like committee be appointed to examine the Bureau of Agriculture and Bureau of Labor.

3. That a like committee be appointed to examine the offices of superintendent of public instruction and landscape gardener.

4. That a like committee be appointed to examine the accounts and official acts of the railroad commission.

5. That all of said special committees shall make

NUMBER 16.

Be it resolved by the General Assembly of the State of Tennessee, That both Houses meet in joint session in the House of Representatives on the 10th day of January, 1899, at 10 o'clock a. m., for the purpose of comparing and counting the vote for governor of the state.

Adopted January 6, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved January 10, 1899.

ROBT. L. TAYLOR,
Governor.

NUMBER 20.

Be it resolved by the General Assembly of the State of Tennessee, That the chairman of each visiting committee appointed by the committees of this General Assembly, shall keep and make out an itemized statement of the actual necessary expenses of his committee, verified by his affidavits, which shall be spread upon the journals of the two Houses.

Adopted January 12, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved January 17, 1899.

BENTON McMILLIN,
Governor.

ers of said Houses upon the inaugural ceremonies and arrangements.

Adopted January 11, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved January 12, 1899.

ROBT. L. TAYLOR,
Governor.

NUMBER 24.

Be it resolved by the House and Senate, That a committee of two from the House and one from the Senate be appointed by the speakers of the House and Senate, respectively, whose duty it shall be to investigate the office, books and accounts of the state board of medical examiners, and report as soon as practicable.

Adopted January 13, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved January 20, 1899.

BENTON McMILLIN,
Governor.

ploy an expert accountant, if they deem one necessary in the progress of their investigation. The comptroller is required to give the names of all special revenue agents, the amount collected by each, and the amount turned into the treasury.

Provided, That no member appointed under this resolution shall receive any pay outside of his per diem.

Adopted January 17, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved January 25, 1899.

BENTON McMILLIN,
Governor.

NUMBER 28.

Whereas, There is great doubt and uncertainty about whether Tuesday the 10th, or Tuesday the 17th of January, 1899, is the correct date on which to vote for United States Senator, under the act of Congress of July 26, 1866; and,

Whereas, The best and highest authorities differ as to the correct date, but all agree that the safest course is to elect on both dates, as has been done in other states; therefore,

Be it resolved by the General Assembly of the State of Tennessee, That the provisions of said act of Congress of July 26, 1866, be complied with by beginning on Tuesday, January 17, 1899, and pursuing the provisions of same until an election of

NUMBER 33.

Be it resolved by the House of Representatives, the Senate concurring, That the chairmen of the committee on public grounds and buildings of the House and Senate, appoint a subcommittee of five, two on the part of the Senate and three on the part of the House, whose duty it shall be to make a thorough investigation into the state and condition of the capitol building, and report back to the general assembly, with such recommendations as they may deem necessary.

Adopted January 20, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved January 24, 1899.

BENTON McMILLIN,
Governor.

NUMBER 36.

Whereas, The members of the general assembly, in order to intelligently consider legislation affecting state institutions, should be thoroughly informed as to the cost of their maintenance; Therefore,

Be it resolved, That the committee on charitable institutions, appointed by the respective speakers of the House and Senate, be, and are hereby, instructed to furnish to the Senate and House statements covering the expense incurred by such state institutions in the purchase of provisions, clothing and all necessary means of maintenance for the past two years, and the markets in which such purchases were made.

NUMBER 39.

Be it resolved by the General Assembly of the State of Tennessee, That all claims, demands or accounts against the state specifically itemized and set forth shall be presented to the present general assembly on or before the fiftieth day of its session, either by bill, resolution or by filing the same with the finance, ways and means committee, and in case any account, claim or demand against the state is not presented in the manner and within the time above set out, it shall not be considered, nor any appropriation made therefor during the present session of the assembly; Provided, however, This resolution shall not apply to any claim, demand or account accruing or coming into existence subsequent to said fiftieth day of the present session of the assembly; And, provided also, This resolution shall not be construed as applying to state appropriations for any department or institution of the state, nor to any demand arising under any existing statute or resolution.

Adopted January 24, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved January 27, 1899.

BENTON McMILLIN,
Governor.

NUMBER 45.

Whereas, The president of the United States, in a speech at Atlanta, Georgia, December 14, has placed before the country the proposition:

“That the time has come when the United States should share in caring for the graves of the Confederate dead;” and,

Whereas, This proposition emanating from the chief executive of the United States, demands thoughtful consideration, and candid expression from all sections of the country, since no patriot could desire it to be carried into effect unless founded upon a strong and widespread sentiment of public sympathy; and,

Whereas, The proposition of President McKinley has been generally commended by the press and people of Tennessee, and has called forth expressions of gratification from surviving Confederate and Federal soldiers; therefore,

Be it resolved by the General Assembly of the State of Tennessee, That we commend the course of the president in offering to the country this patriotic suggestion, that we approve the sentiment which he expressed and esteem them as sincere, just and generous; that we believe, should his proposition be commended, it would be productive of the happiest effects and would be honorable alike to the living and the dead—to the North and to the South.

Adopted March 28, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 3, 1899.

BENTON McMILLIN,
Governor.

NUMBER 54.

Whereas, chapter 12 of the acts of 1868-9 (Milliken and Vertrees Code, sec. 335), provides, viz.:

"The board of trustees of said university of Tennessee shall deposit with the secretary of state their bond, made payable to the State of Tennessee, with security approved by the governor of the state and the comptroller of the state, in double the amount of the issue of said bonds to the trustees of said university;" therefore,

Be it resolved, That the said board of trustees be required to give bond in pursuance of said law, and in case of failure to give such bond, it is the sense of the fifty-first general assembly that further steps be taken to compel the same to be done.

Adopted January 28, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved February 22, 1899.

BENTON McMILLIN,
Governor.

NUMBER 60.

Be it resolved by the General Assembly of the State of Tennessee, That both houses of the general assembly take a recess from January 28, at noon, to February 21, at noon, and that the chairmen of their respective committees appoint three members on the part of the senate and five on the part of the house on the penitentiary, education and common schools, and charitable institutions committees, and two (2) members on the part of the senate and three on the part of the house from the committee on agriculture, to sit with the chairmen of their respective com-

the books, accounts, etc., of the commissioners, and other officers of the state prison and report fully as to the amount of money received and the disposition and disbursement of the same, and whether the same has been properly applied, and amount if any on hand. And said committee shall ascertain what disposition has been made of the old penitentiary grounds and buildings, together with such recommendations as they may deem proper. Said committee shall also look into and ascertain the number of deaths and causes of same, within the last two years, in said prison, the general prevalence of diseases communicable or otherwise, and what facilities, if any, are possessed for the isolation, prevention, or restriction of same, and all data relating to the general health conditions of said state prison.

Be it further resolved, That the chairmen of the committees on finance, ways and means of the house and of the senate be, and are hereby, authorized to appoint a joint subcommittee from their respective committees, consisting of three members from the senate and five from the house, who, with their respective chairmen, shall sit during the recess, or so much thereof as may be necessary, to draft, consider, and report upon the reassembling of the legislature, the assessment, revenue, and appropriation bills.

Be it further resolved, That the necessary expenses and per diem for the time they are actually in session, not to exceed eighteen days, be allowed all of said subcommittees, and that this amount be included in the general appropriation bill.

Passed January 27, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved January 27, 1899.

BENTON McMILLIN,
Governor.

NUMBER 62.

Be it resolved by the general assembly of the State of Tennessee, That the senate meet the house in joint convention at 11 o'clock, on Wednesday, the 15th of March, 1899, for the purpose of electing a comptroller, treasurer, and land register. Said convention to be held in the house of representatives.

Adopted March 14, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SELD WADDELL,
Speaker of the Senate.

Approved March 15, 1899.

BENTON McMILLIN,
Governor.

NUMBER 66.

Be it resolved by the house of representatives, the senate concurring, That both houses of the general assembly of the State of Tennessee, proceed on the same day in which the comptroller is elected, and immediately after the election of comptroller, elect a land register for the several land districts of Tennessee.

Adopted February 25, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SELD WADDELL,
Speaker of the Senate.

Approved February 27, 1899.

BENTON McMILLIN,
Governor.

NUMBER 71.

Whereas, The joint subcommittees appointed to redistrict the state, to prepare a revenue and assessment bill, and to examine the offices of comptroller and treasurer have so far failed to submit their respective reports to the general assembly; and,

Whereas, Said committees have stated to this honorable body that the time allotted them by the recess was not time enough for them to do the work consigned to them; and,

Whereas, Believing it to the best interest of the state that the office of comptroller and treasurer should undergo a thorough examination, and that we should have a good revenue and assessment bill, and it is all important that the redistricting committee should have time to complete and formulate their report; therefore,

Be it resolved by the house of representatives, the Senate concurring, That the fifty-first general assembly take a recess from Friday, March 3, at 3:30 p.m., until March 14, 1899, at 12 m., that said committees may have time to complete their reports.

Be it further resolved, That said committees be allowed ten days, excluding Sundays, to finish their reports, and that they receive pay for only ten days.

Be it further resolved, That all other committees are hereby requested to submit their reports immediately on the reassembling of the general assembly.

Adopted February 28, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved March 2, 1899.

BENTON McMILLIN,
Governor.

quested to present these resolutions on behalf of this general assembly to President McKinley.

Adopted March 3, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved March 17, 1899.

BENTON McMILLIN,
Governor.

NUMBER 79.

Whereas, The Hon. W. J. Bryan has accepted an invitation to address the general assembly of Tennessee on the 22d instant; therefore,

Be it resolved by the house of representatives, the senate concurring, that a committee of seven from the house and five upon the part of the senate, be appointed by the respective speakers as a reception committee to make all necessary arrangements for the reception of our distinguished guest.

Adopted March 18, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved March 21, 1899.

BENTON McMILLIN,
Governor.

NUMBER 82.

Whereas, It appears that the "back tax attorneys" for many counties in the state have failed, according to the "comptroller's report," to pay into the treasury any moneys for the fiscal year, beginning December 19, 1896, and ending December 19, 1897, inclusive, now, therefore,

Be it resolved, That the house and senate concurring, do hereby direct the attorney-general of the state to take such steps legally as are necessary to collect and have paid into the treasury of the state all moneys due from said collectors of delinquent taxes of said counties.

Be it further resolved, That said attorney-general is hereby directed to move against all back tax attorneys in the state who may be delinquent in collection of any sum of money that may be due the state, or any county of the state. The attorney shall also see that all penalty and interest collected by said back tax collector is paid into the treasury, and further, that the district attorneys-general shall aid in this work, and the comptroller, if necessary, shall give all aid necessary.

Be it further resolved, That the attorney-general take legal steps to collect all sums of money wrongfully paid out of the treasury of the state for the collection of taxes by said "back tax attorneys."

Be it further resolved, That the attorney-general shall not receive any additional compensation more than his salary.

Adopted March 21, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved March 29, 1899.

BENTON McMILLIN,
Governor.

advisable that the state dispose of said books, inasmuch as it really has no special use for the same; and that the proceeds of same be turned into the state treasury, or that at least a portion of said books be disposed of, some of the numbers being greatly in excess of other numbers of said reports; therefore,

Be it resolved by the house, the senate concurring, That a committee consisting of the secretary of state, and three members of the house and two members of the senate be appointed to investigate and report the number of said state reports, the number of each kind, the value and condition of same, and the committee will make such recommendations as may seem right and proper in the premises for the guidance of further action on the part of the legislature as to what is best to be done with said reports; and if the committee should consider that said reports should be disposed of, they will recommend the manner of disposition.

Adopted March 27, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved March 31, 1899.

BENTON McMILLIN,
Governor.

NUMBER 99.

JOINT RESOLUTION confirming the appointment of trustees to supply vacancies in the board of trustees of the University of Tennessee.

Whereas, In accordance with the charter of the University of Tennessee and the laws of the land, the trustees of the University of Tennessee have, since the last session of the General Assembly, appointed the following persons as trustees of said University to fill vacancies arising in the board of trustees, to wit:

be had and continued from day to day until finally and fully acted upon and disposed of in accordance with the aforesaid provisions of the constitution.

Fourth.—That the service of a copy of this resolution on such official shall be service of notice as required in the aforesaid section, and that the removal from office shall be for the causes stated herein.

Adopted April 7, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 7, 1899.

BENTON McMILLIN,
Governor.

NUMBER 110.

Whereas, The public welfare requires the removal from office the following named official, to wit: H. B. Lindsay, chancellor of the second chancery division of State of Tennessee; and,

Whereas, Such necessity for removal from office of aforesaid official arises from the reasons and causes that there is not sufficient business to require or justify the retention in office of said official; and,

Whereas, It is necessary for the welfare of the state that the judicial circuits and chancery divisions of the state should be redistricted and the aforementioned official removed from office, to the end that the said circuits and divisions may be properly rearranged and redistricted, and the public welfare subserved; and,

Whereas, There no longer exists in the state any reason or necessity for the service of said official, or the continuance in office of said official, or the further continuance in existence of said office as now existing, and the public welfare requires a reduction in the number of circuit judges, chancellors, and attorneys-general in this state to the end that a reduction may be had in the judicial expense of the state for the promotion of economy in the administration

Be it resolved by the house of representatives of the State of Tennessee, the senate concurring, That our representatives in congress are hereby requested to use all honorable means to secure the submission of an amendment to the constitution of the United States providing for the election of United States senators by direct vote of the people.

Resolved, further, That copies of this resolution, properly attested, be sent to our representatives in congress of the United States.

Adopted April 5, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 7, 1899.

BENTON McMILLIN,
Governor.

NUMBER 104.

Be it resolved by the General Assembly of the State of Tennessee, That the election by the board of trustees of the Tennessee Deaf and Dumb School of J. Y. Johnston and A. P. White to fill vacancies occasioned in said board of trustees by the death of R. C. Jackson and of R. S. Payne is hereby confirmed.

Adopted April 12, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 17, 1899.

BENTON McMILLIN,
Governor.

NUMBER 111.

Whereas, The public welfare requires the removal from office the following named official, to wit: H. G. Kyle, chancellor of the twelfth chancery division of Tennessee; and,

Whereas, Such necessity for removal from office of aforesaid official arises from the reasons and causes that there is not sufficient business to require or justify the retention in office of said official; and,

Whereas, It is necessary for the welfare of the state that the judicial circuits and chancery divisions of the state should be redistricted, and the aforesaid official removed from office, to the end that the said circuits and divisions may be properly rearranged and redistricted, and the public welfare subserved; and,

Whereas, There no longer exists in the state any reason or necessity for the service of said official, or the continuance in office of said official, or the further continuance in existence of said office as now existing, and the public welfare requires a reduction in the number of circuit judges, chancellors, and attorneys-general in the state to the end that a reduction may be had in the judicial expense of the state for the promotion of economy in the administration of public justice, and testifying to and emphasizing the eminent abilities, fidelity, purity, and faithfulness of the above named official in private and public life; therefore,

Be it resolved by the House of Representatives of the State of Tennessee, the Senate concurring:

First.—That the clerk of the house and of the senate each at once make and issue and deliver to the sergeant-at-arms of the respective houses correct copies hereof for service upon the aforesaid official duly certified by such clerk.

Second.— That the said sergeant-at-arms is hereby authorized and directed to proceed at once to deliver to said official one of said copies, and, to carry in effect and execution this resolution, each of said sergeants-at-arms is authorized to appoint a sufficient

number of deputies speedily to execute the same. Such sergeant-at-arms, or his deputy, will, at the turn of the time at which he delivered such copy to said official.

Third.—That in pursuance of, and according to the provisions of section six of article six of the constitution of the State of Tennessee, the representatives and the senate proceed as they are authorized, on the eleventh day after the service of a copy of this resolution upon such official, to remove said official from the office held by him as chief clerk of said division for the State of Tennessee, to this end, and for this purpose, that the process shall be had and continued from day to day until finally acted upon and disposed of in accordance with the aforesaid provisions of the constitution.

Fourth.—That the service of a copy of this resolution on such official shall be service of notice as required in the aforesaid section, and that the removal from office shall be for the causes stated here.

Adopted April 7, 1899.

JOSEPH W. BYRNS
Speaker of the House of Representatives

SEID WADDELL
Speaker of the Senate

Approved April 7, 1899.

BENTON McMILLIN
Governor

NUMBER 112.

Whereas, The public welfare requires the removal from office of the following named official, to-wit: L. Grigsby, judge of the nineteenth judicial district of the State of Tennessee; and,

Whereas, Such necessity for the removal from office of the aforesaid official arises from the causes and conditions that there is not sufficient business to require or justify the retention in office of said official; and,

should be redistricted; and the aforementioned official removed from office to the end that the said circuits and divisions may be properly rearranged and redistricted, and the public welfare subserved; and,

Whereas, There no longer exists in the state any reasons or necessity for the service of said official, or the continuance in office of the said official, or the further continuance in existence of his said office as now existing, and the public welfare requires a reduction in the number of circuit judges, chancellors, and attorneys-general in the state to the end that a reduction may be had in the judicial expense of the state for the promotion of economy in the administration of public justice, and testifying to and emphasizing the eminent abilities, fidelity, purity and faithfulness of the above named official in private and public life; therefore,

Be it resolved by the house of representatives of the State of Tennessee, the senate concurring, first, That the clerk of the house and of the senate, each, at once make and issue and deliver to the sergeant-at-arms of the respective houses correct copies hereof for service upon the aforesaid official, duly certified by such clerk. Second, That the said sergeant-at-arms is hereby authorized and directed to proceed at once to deliver to said official one of said copies, and to carry into effect and execution this resolution, and each of said sergeant-at-arms is authorized to appoint a sufficient number of deputies speedily to execute this order. Such sergeant-at-arms, or his deputy, will make return of the time at which he delivered such copy to said official. Third, That in pursuance and accordance with the provisions of section 6 of article 6 of the constitution of the State of Tennessee, the house of representatives and the senate proceed as therein authorized, on the eleventh day after the service of a copy of this resolution upon such official, remove said official from the office held by him attorney-general of said circuit for the State of Tennessee, and to this end and for this purpose that the proceeding be had and continued from day to day until finally and fully acted upon and disposed of in accordance with the aforesaid provisions of the constitution. Fourth, That a service of a copy of the

resolution on such official shall be served as required in the aforesaid section, a removal from office shall be for the cause herein.

Adopted April 7, 1899.

JOSEPH W. BYRNE

Speaker of the House of Representatives

SEID WADD

Speaker of the House of Representatives

Approved April 7, 1899.

BENTON McMINN

NUMBER 107.

Whereas, The public welfare requires the removal from office of the following named official, Thomas F. Martin, attorney-general of the State of Tennessee;

Whereas, Such necessity for the removal from office of the aforesaid official arises from the causes that there is not sufficient reason to require or justify the retention in office of said official; and,

Whereas, It is necessary for the welfare of the state that the judicial circuits and chancery of the state should be redivided, and the named official removed from office to the said circuits and divisions may be arranged and redivided, and the public better served; and,

Whereas, There no longer exists in the state any reason or necessity for the services of said official, the continuance in office of said official is no longer necessary, and the public welfare requires the reduction in the number of circuit judges, chancery attorneys-general in the state, to the end that a more economical administration of public justice, and better

phasizing the eminent abilities, fidelity and faithfulness of the above named person in public and private life; therefore,

Be it resolved by the House of Representatives and the Senate of the State of Tennessee, that

First.—That the clerk of the House and the clerk of the senate each at once make and issue to the sergeant-at-arms of the respective Houses one copy of the resolutions hereof for service upon the said official duly certified by such clerk.

Second.—That the said sergeant-at-arms be authorized and directed to proceed to said official one of said copies, and to effect and execute this resolution. The sergeant-at-arms is authorized to employ as many deputies as may be necessary. Such sergeant-at-arms, or his deputy, shall return at the time at which he delivers the said official.

Third.—That pursuant to and in accordance with the provisions of section six of article three of the constitution of the State of Tennessee, the House of Representatives and the senate proceed to execute this resolution on the eleventh day after the date of the passage of this resolution upon such official from the office held by him at the time of his appointment to said circuit for the State of Tennessee, and for this purpose that the proceedings be continued from day to day until the same are acted upon and disposed of in accordance with the provisions of the constitution.

Fourth.—That the service of a writ of habeas corpus on such official shall be served by the sergeant-at-arms required in the aforesaid section, and the same shall be for the causes therein specified.

Adopted April 7, 1899.

JOSEPH W.

Speaker of the House of Representatives

SEID W.

Speaker of the Senate

Approved April 7, 1899.

BENTON M.

NUMBER 108.

Whereas, The public welfare requires the removal from office the following named official, to wit: T. A. R. Nelson, judge of the criminal court of Knox county and Sevier county, State of Tennessee; and,

Whereas, Such necessity for removal from office of the aforesaid official arises for the reasons and causes that there is not sufficient business to require or justify the retention in office of said official; and,

Whereas, It is necessary for the welfare of the state that the judicial circuits and chancery divisions of the state should be redistricted and aforesaid official removed from office to the end that the said circuits and divisions may be properly rearranged and redistricted and the public welfare subserved; and,

Whereas, There no longer exists in the state any reason or necessity for the service of said official, or the continuance in office of said official, or the further continuance in existence of his said office as now existing, and the public welfare requires a reduction in the number of circuit judges, chancellors, and attorneys-general in the state to the end that a reduction may be had in the judicial expenses of the state, and for the promotion of economy in the administration of public justice, and testifying to and emphasizing the eminent abilities, fidelity, purity, and faithfulness of the above named official in private and public life; therefore,

Be it resolved by the House of Representatives of the State of Tennessee, the Senate concurring:

First.—That the clerk of the house and of the senate each at once make and issue and deliver to the sergeant-at-arms of the respective houses correct copies hereof for service upon aforesaid official, duly certified by such clerk.

Second.—That the said sergeant-at-arms is hereby authorized and directed to proceed at once to deliver to said official one of said copies, and to carry into effect and execution this resolution; each of said sergeant-at-arms is authorized to appoint a sufficient number of deputies speedily to execute this order.

that the judicial circuits and chancery divisions in the state should be redistricted and the aforesaid official removed from office, to the end that the circuits and divisions may be properly rearranged and redistricted and the public welfare subserved;

whereas, There no longer exists in the state any reason or necessity for the services of said official, or the continuance in office of said official, or the further continuance in existence of his said circuit as existing, and the public welfare requires a reduction in the number of circuit judges, chancellors, attorneys-general in the state to the end that a saving may be had in the judicial expenses of the state and for the promotion of economy in the administration of public justice, and testifying to and praising the eminent abilities, fidelity, purity, faithfulness of the above named official in private and public life; therefore,

it resolved by the House of Representatives of the State of Tennessee, the Senate concurring:

1st.—That the clerk of the house and senate each shall make, issue, and deliver to the sergeant-at-arms of the respective houses correct copies hereof for service upon the aforesaid official, duly certified by each clerk.

2nd.—That the said sergeants-at-arms are hereby authorized and directed to proceed at once to deliver to said official one of said copies, and to carry into effect and execution this resolution; each of said sergeants-at-arms is authorized to appoint a sufficient number of deputies speedily to execute this order.

The sergeant-at-arms, or his deputy, will make record of the time at which he delivers such copy to said official.

3rd.—That in pursuance of and in accordance with the provisions of section six of article six of the constitution of the State of Tennessee, the house of representatives and the senate proceed as therein authorized, on the eleventh day after the service of a copy of this resolution upon such official, to remove said official from the office held by him as judge of the criminal circuit for the State of Tennessee, and to this end and for this purpose that the proceedings

be had and continued from day to day until finally and fully acted upon and disposed of in accordance with the aforesaid provisions of the constitution.

Fourth.—That the service of a copy of this resolution on such official shall be service of notice as required in the aforesaid section, and that the removal from office shall be for the causes stated herein.

Adopted April 7, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 7, 1899.

BENTON McMILLIN,
Governor.

NUMBER 110.

Whereas, The public welfare requires the removal from office the following named official, to wit: H. B. Lindsay, chancellor of the second chancery division of State of Tennessee; and,

Whereas, Such necessity for removal from office of aforesaid official arises from the reasons and causes that there is not sufficient business to require or justify the retention in office of said official; and,

Whereas, It is necessary for the welfare of the state that the judicial circuits and chancery divisions of the state should be redistricted and the aforementioned official removed from office, to the end that the said circuits and divisions may be properly rearranged and redistricted, and the public welfare subserved; and,

Whereas, There no longer exists in the state any reason or necessity for the service of said official, or the continuance in office of said official, or the further continuance in existence of said office as now existing, and the public welfare requires a reduction in the number of circuit judges, chancellors, and attorneys-general in this state to the end that a reduction may be had in the judicial expense of the state for the promotion of economy in the administration

of public justice, and testifying to and emphasizing the eminent ability, fidelity, purity, and faithfulness of the above named official in private and public life; therefore,

Be it resolved by the House of Representatives of the State of Tennessee, the Senate concurring:

First.—That the clerk of the house and of the senate each at once make and issue and deliver to the sergeants-at-arms of the respective houses correct copies hereof for service upon the aforesaid official, duly certified by such clerk.

Second.—That the said sergeant-at-arms is hereby authorized and directed to proceed at once to deliver to said official one of said copies, and to carry into effect and execution this resolution; each of said sergeants-at-arms is authorized to appoint a sufficient number of deputies to speedily execute this order. Such sergeant-at-arms, or his deputy, will make return of the time at which he delivered such copy to said official.

Third.—That in pursuance of, and in accordance with, the provisions of section six of article six of the constitution of the State of Tennessee, the house of representatives and the senate proceed as therein authorized, on the eleventh day after the service of a copy of this resolution upon such official, to remove said official from the office held by him as chancellor of said division for the State of Tennessee, and to this end, and for this purpose, that the proceedings be had and continued from day to day until finally and fully acted upon and disposed of in accordance with the aforesaid provisions of the constitution.

Fourth. —That the service of a copy of this resolution on such official shall be service of notice as required in the aforesaid section, and that the removal from office shall be for the causes stated herein.

Adopted April 7, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 7, 1899.

BENTON McMILLIN,
Governor.

NUMBER 111.

Whereas, The public welfare requires the removal from office the following named official, to wit: H. G. Kyle, chancellor of the twelfth chancery division of Tennessee; and,

Whereas, Such necessity for removal from office of aforesaid official arises from the reasons and causes that there is not sufficient business to require or justify the retention in office of said official; and,

Whereas, It is necessary for the welfare of the state that the judicial circuits and chancery divisions of the state should be redistricted, and the aforesaid official removed from office, to the end that the said circuits and divisions may be properly rearranged and redistricted, and the public welfare subserved; and,

Whereas, There no longer exists in the state any reason or necessity for the service of said official, or the continuance in office of said official, or the further continuance in existence of said office as now existing, and the public welfare requires a reduction in the number of circuit judges, chancellors, and attorneys-general in the state to the end that a reduction may be had in the judicial expense of the state for the promotion of economy in the administration of public justice, and testifying to and emphasizing the eminent abilities, fidelity, purity, and faithfulness of the above named official in private and public life; therefore,

Be it resolved by the House of Representatives of the State of Tennessee, the Senate concurring:

First.—That the clerk of the house and of the senate each at once make and issue and deliver to the sergeant-at-arms of the respective houses correct copies hereof for service upon the aforesaid official duly certified by such clerk.

Second.— That the said sergeant-at-arms is hereby authorized and directed to proceed at once to deliver to said official one of said copies, and, to carry into effect and execution this resolution, each of said sergeant-at-arms is authorized to appoint a sufficient

umber of deputies speedily
uch sergeant-at-arms, or his
urn of the time at which he
id official.

Third.—That in pursuan
ith the provisions of section
nstitution of the State of T
representatives and the senate
orized, on the eleventh day
opy of this resolution upon
id official from the office hel
f said division for the State
is end, and for this purpose,
ad and continued from day t
illy acted upon and disposed
ie aforesaid provisions of the

Fourth.—That the service c
on on such official shall be
uired in the aforesaid section
om office shall be for the cau
Adopted April 7, 1899.

JOSEPH
Speaker of the House

SEI
Sf
Approved April 7, 1899.
BENTON

NUMBER

Whereas, The public welfa
om office of the following na
. Grigsby, judge of the nin
the State of Tennessee; ar

Whereas, Such necessity
fice of the aforesaid official
id causes that there is not s
uire or justify the retention i
id,

Whereas, It is necessary for the welfare of the state that the judicial circuits and chancery divisions of the state should be redistricted, and the aforementioned official removed from office, to the end that the said circuits and divisions may be properly rearranged and redistricted, and the public welfare subserved; and,

Whereas, There no longer exists in the state any reason or necessity for the services of said official, or the continuance in office of said official, or the further continuance in existence of his said office as now existing, and the public welfare requires a reduction in the number of circuit judges, chancellors, and attorneys-general in the state, to the end that a reduction may be had in the judicial expenses of the state, and for the promotion of economy in the administration of public justice, and testifying to and emphasizing the eminent abilities, fidelity, purity, and faithfulness of the above named official in private and public life; therefore,

Be it resolved by the House of Representatives of the State of Tennessee, the Senate concurring:

First.—That the clerk of the house and senate each at once make, issue, and deliver to the sergeants-at-arms of the respective houses correct copies thereof for service upon the aforesaid official, duly certified by such clerk.

Second.—That the said sergeant-at-arms is hereby authorized and directed to proceed at once to deliver to said official one of said copies, and to carry into effect and execution this resolution; each of said sergeants-at-arms is authorized to appoint a sufficient number of deputies speedily to execute this order. Such sergeant-at-arms, or his deputy, will make return of the time at which he delivers such copy to the said official.

Third.—That in pursuance of, and in accordance with the provisions of section six of article six of the constitution of the State of Tennessee, the house of representatives and the senate proceed as therein authorized, on the eleventh day after the service of a copy of this resolution upon such official, to remove said official from the office held by him as judge of said circuit for the State of Tennessee, and to that end, and for this purpose, that the proceedings be

ad and continued from day to day until finally acted upon and disposed of in accordance with the aforesaid provisions of the constitution.

Fourth.—That the service of a copy of the order on such official shall be service of notice required in the aforesaid section, and that the removal from office shall be for the causes stated hereon.
Adopted April 7, 1899.

JOSEPH W. BYRNE
Speaker of the House of Representatives

SEID WADDELL
Speaker of the Senate

Approved April 7, 1899.

BENTON McMILLIN
Governor

NUMBER 113.

Whereas, The public welfare requires the removal from office of the following named official, to-wit: W. Tyler, judge of the criminal court of Morristown, State of Tennessee; and,

Whereas, Such necessity for the removal from office of the aforesaid official arises for the reasons and causes that there is not sufficient business to require or justify the retention in office of said official;

Whereas, It is necessary for the welfare of the State that the judicial circuits and chancery divisions of the State should be redistricted and the aforesaid official removed from office, to the end that the circuits and divisions may be properly rearranged and redistricted, and the public welfare subserve;

Whereas, There no longer exists in the State any reason or necessity for the services of said official, or for the continuance in office of said official, or for the continuance in existence of his said office; and, the public welfare requires a reduction of the number of circuit judges, chancellors and attorneys-general in the State, to the end that economy may be had in the judicial expenses of the State and for the promotion of economy in the administration of the courts;

NUMBER 114.

Whereas, The public welfare requires the removal of the following named official, to wit: W. Leech, attorney-general of the nineteenth judicial circuit of the State of Tennessee; and,

Whereas, Such necessity for the removal from office of the aforesaid official arises for the reason and cause that there is not sufficient business to require justify the retention in office of said official; and,

Whereas, It is necessary for the welfare of the state that the judicial circuits and chancery divisions of the state should be redistricted, and the aforesaid official removed from office, to the end that said circuits and divisions may be properly reorganized and redistricted, and the public welfare served; and,

Whereas, There no longer exists in the state any occasion or necessity for the services of said official, or the continuance in office of said official, or the further continuance in existence of his said office as now existing, and the public welfare requires a reduction of the number of circuit judges, chancellors, and attorneys-general in the state to the end that a reduction may be had in the judicial expenses of the state, for the promotion of economy in the administration of public justice, and testifying to and emphasizing the eminent abilities, fidelity, purity, and faithfulness of the above named official in private and public life; therefore,

Be it resolved by the House of Representatives of the State of Tennessee, the Senate concurring:

First.—That the clerk of the house and of the senate each at once make and issue and deliver to the sergeants-at-arms of the respective houses correct copies hereof for service upon the aforesaid official, and certified by such clerk.

Second.—That the said sergeants-at-arms are hereby authorized and directed to proceed at once to deliver to said official one of said copies, and to carry into effect and execution this resolution; each of said sergeants-at-arms is authorized to appoint a sufficient

number of deputies to speedily execute this order. Such sergeants-at-arms, or his deputy, will make return of the time at which he delivers such copy to said official. .

Third.—That in pursuance of, and in accordance with, the provisions of section six of article six of the constitution of the State of Tennessee, the house of representatives and the senate proceed as therein authorized, on the eleventh day after the service of a copy of this resolution upon such official, to remove said official from the office held by him as aforesaid, and to this end, and for this purpose, that the proceedings be had and continued from day to day until finally and fully acted upon and disposed of in accordance with the aforesaid provision of the constitution.

Fourth.—That the service of a copy of this resolution on such official shall be service of notice as required in the aforesaid section, and that the removal from office shall be from the causes stated herein.

Adopted April 7, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 7, 1899.

BENTON McMILLIN,
Governor.

NUMBER 115.

Whereas, The public welfare requires the removal from office the following named official, to wit: F. D. Owings, attorney-general of the third judicial circuit of the State of Tennessee; and,

Whereas, Such necessity for removal from office of the aforesaid official arises for the reasons and causes that there is not sufficient business to require or justify the retention in office of said official; and,

Whereas, It is necessary for the welfare of the state that the judicial circuits and chancery divisions

the state should be redistricted and aforementioned official removed from office to the end that the said circuits and chancery divisions may be properly rearranged and redistricted and the public welfare preserved; and,

Whereas, There no longer exists in the state any reason or necessity for the service of said official, or the continuance in office of said official, or the further continuance in existence of his said office as now existing, and the public welfare requires a reduction of the number of circuit judges, chancellors, and attorneys-general in the state to the end that a reduction may be had in the judicial expense of the state, and for the promotion of economy in the administration of public justice, and testifying to and emphasizing the eminent abilities, fidelity, purity and faithfulness of the above named official in private and public life; therefore,

Be it resolved by the house of representatives of the State of Tennessee, the senate concurring:

First.—That the clerk of the house and of the senate, each, at once make and issue and deliver to the sergeant-at-arms of the respective houses correct copies hereof for service upon aforesaid official, duly certified by such clerk.

Second.—That the said sergeant-at-arms is hereby authorized and directed to proceed at once to deliver to said official one of said copies, and to carry into effect and execution this resolution; each of said sergeant-at-arms is authorized to appoint a sufficient number of deputies speedily to execute this order. Each sergeant-at-arms, or his deputy, will make return of the time which he delivered such copy to said official.

Third.—That in pursuance of and in accordance with the provisions of section 6 of article 6 of the constitution of the State of Tennessee, the house of representatives and the senate proceed, as therein authorized, on the eleventh day after the service of copy of this resolution upon such official, to remove said official from the office held by him as attorney-general of said circuit for the State of Tennessee, and to this end and for this purpose that the proceedings be had and continued from day to day until

finally and fully acted upon and disposed of in accordance with the aforesaid provisions of the constitution.

Fourth.—That the service of a copy of this resolution on such official shall be service of notice as required in the aforesaid section, and that the removal from office shall be for the causes stated herein.

Adopted April 7, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 7, 1899.

BENTON McMILLIN,
Governor.

NUMBER 116.

Whereas, The public welfare requires the removal from office the following named official, to wit: S. A. Rodgers, judge of the third judicial circuit of Tennessee; and,

Whereas, Such necessity for removal from office of the aforesaid official arises for the reasons and causes that there is not sufficient business to require or justify the retention in office of said official; and,

Whereas, It is necessary for the welfare of the state that the judicial circuits and chancery divisions of the state should be redistricted, and aforesaid official removed from office to the end that the said circuits and chancery divisions may be properly rearranged and redistricted and the public welfare subserved; and,

Whereas, There no longer exists in the state any reason or necessity for the service of said official, or the continuance in office of said official, or the further continuance in existence of his said office as now existing, and the public welfare requires a reduction in the number of circuit judges, chancellors, and attorneys-general in the state to the end that a reduction may be had in the judicial expense of the state, and for the promotion of economy in the administra-

tion of public justice, and testifying to and emphasizing the eminent abilities, fidelity, purity, and faithfulness of the above named official in private and public life; therefore,

Be it resolved by the house of representatives of State of Tennessee, the senate concurring:

First.—That the clerk of the house and of the senate, each, at once make and issue and deliver to the sergeant-at-arms of the respective houses correct copies hereof for service upon the aforesaid official, duly certified by such clerk.

Second.—That the said sergeant-at-arms is hereby authorized and directed to proceed at once to deliver to said official one of said copies, and to carry into effect and execution this resolution; each of said sergeant-at-arms is authorized to appoint a sufficient number of deputies speedily to execute this order. Such sergeant-at-arms, or his deputy, will make return of the time at which he delivered such copy to said official.

Third.—That in pursuance of and accordance with the provisions of section 6 of article 6 of the constitution of the State of Tennessee, the house of representatives and the senate proceed, as therein authorized, on the eleventh day after the service of a copy of this resolution upon such official, to remove said official from the office held by him as judge of said circuit for the State of Tennessee, and to this end and for this purpose that the proceeding be had and continued from day to day until finally and fully acted upon and disposed of in accordance with the aforesaid provisions of the constitution.

Fourth.—That the service of a copy of this resolution on such official shall be service of notice as required in the aforesaid section, and that the removal from office shall be for the causes stated herein.

Adopted April 7, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 7, 1899.

BENTON McMILLIN,
Governor.

NUMBER 110

Whereas, There is in the office between six and seven thousand Tennessee money Torbit issued; and,

Whereas, This Bank of Tennessee in pursuance of the purpose for which the office of the state treasurer, a vacancy for an unknown time, having been filled by the present treasurer, and for the receipt on assuming the duties of the office in 1893; and,

Whereas, It is evident that this money has been redeemed by the state and is neglected, and it being unnecessary for the money to remain in its present place;
Be it resolved by the House and Senate concurring, That a committee of one member of the house and one member of the senate, be appointed by the respective bodies, whose duties it shall be to report to the said Bank of Tennessee the amount of the money and the amount received by the senate and house the amount received by them.

Adopted April 12, 1899.

JOSEPH W.

Speaker of the House of Representatives

SEIDEN

Speaker

Approved April 15, 1899.

BENTON

NUMBER 120.

Whereas, By House Joint Resolution No. 85 a committee of five, three from the house and two from the senate, were appointed to investigate and report as to a suitable location for offices for the railroad commission; and,

Whereas, Said committee have made their report, and recommended that said railroad commission be given committee rooms 3, 5, and 7 on the west side of the hall of representatives, and that the superintendent of the capitol be instructed, under the directions of said commission, to take down the partition wall between rooms 3 and 5 and have such painting and calsomining done in said rooms as will be necessary, and that the register of the land office and clerks of the funding board be removed from room number 7 to one of the committee rooms on the east side of the capitol; and it appearing that the recommendations of said committee are well made; therefore,

Be it resolved by the General Assembly of the State of Tennessee, That the recommendations of the committee be adopted, and that immediately after the adjournment of the present session of the general assembly the superintendent of the capitol have said partition wall between rooms numbers 3 and 5 on the west side of the hall of representatives taken down or removed; that he have said rooms, if necessary, painted and calsomined, and place said railroad commission in said rooms numbers 3, 5, and 7, and that he place the land register and clerks of the funding board now occupying room number 7 in one of the rooms on the east side of the hall of representatives.

Adopted April 13, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 17, 1899.

BENTON McMILLIN,
Governor.

NUMBER 122

Whereas, Col. E. W. Cole and
izens of Davidson county, Tenn
unificent gifts to the Tennessee
deared themselves to the people

Whereas, The said E. W. Cole
ithin the past two years, given
agnificent auditorium, which is
ranged buildings of its kind in t

Whereas, The fact that the T
hool is to-day a great success, a
stitutions of which every Te
oud, is due in a very large degr
ld love for humanity of these g
ildren of Tennessee, Col. and
erefore,

Be it resolved by the Genera
ate of Tennessee, That we, in t
Tennessee, extend our most sin
id Mrs. Cole for what they hav
id sustain this industrial school,
the state.

Be it further resolved, That a c
ons be forwarded to Col. and M
Adopted April 17, 1899.

JOSEPH V
Speaker of the House of

SEID V
Speal

Approved April 20, 1899.

BENTON 1

NUMBER 124.

Whereas, The committee appointed under House Joint Resolution No. 27 have reported recommending that the comptroller be directed to collect certain sums of money due the state, and that the attorney-general aid and advise the comptroller in this work; therefore,

Be it resolved by the House, the Senate concurring, That the comptroller, acting under the advice of the attorney-general, proceed to collect all such sums of money as may be due the state.

Adopted April 18, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

SEID WADDELL,
Speaker of the Senate.

Approved April 20, 1899.

BENTON McMILLIN,
Governor.

NUMBER 126.

Be it resolved by the General Assembly of the State of Tennessee, That the senate meet the house in the hall of the house of representatives at 11 o'clock a.m., April 19, 1899, for the purpose of giving a hearing to those judges and attorneys-general desiring to be heard on the respective resolutions introduced to remove them from office.

Be it further resolved, That since the cause removal is the same in each case, and the hearing each case will therefore necessarily be a repetition the hearing in the other cases, and it will therefore not be necessary for the general assembly to hear length from each of said officials; therefore,

Be it resolved, That said officials be given th-

s in which to be heard; s
ed among those desiring
lopted April 18, 1899.

JOSEPH

Speaker of the House

SETH

Spe

proved April 19, 1899.

BENTON

NUMBER

hereas, A number of in
the Confederate Soldiers
e different county asylums
thus deprived of the prop
a they are entitled to; and
hereas, The joint commit
ns have recommended th
d to the home, or their
on roll at their option; th
it resolved, That the trust
ers' Home be, and are he
any soldier desires his nam
roll it shall be done, and
nt as a pension as the law
lopted April 24, 1899.

JOSEPH

Speaker of the House

SETH

Spe

proved April 24, 1899.

BENTON

NUMBER 131.

Be it resolved by the House, the Senate concurring,
That a committee be appointed by the speakers of the
two houses composed of five from the house and a
like number from the senate, which shall wait upon
the governor and notify him that the general assem-
bly is ready to adjourn sine die, and to ask his excel-
lency if he has any further communication to make
to the legislature.

Adopted April 24, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.
SEID WADDELL,
Speaker of the Senate.

SENATE RESOLUTION

NUMBER 1.

Be it resolved by the senate, That the hereby authorized and directed to appoint a engrossing clerk of the senate, whenever, in ion, he shall deem such appointment advisable.
Adopted January 2, 1899.

SEID WADDEI
Speaker of the

NUMBER 2.

Be it resolved by the senate, That the hereby authorized and directed to appoint ters of the senate to serve such time as tl may direct.

Adopted January 2, 1899.

SEID WADDEI
Speaker of the

NUMBER 3.

Be it resolved by the senate, That the clerk be instructed to prepare a roster of ers and officers of the senate, and to have of the same printed for the use of the senate.
Adopted January 5, 1899.

SEID WADDEI
Speaker of the

NUMBER 4.

Be it resolved by the senate, That the following sums are hereby appropriated in favor of various officers and employes of the last senate for services rendered in the organization of the present senate, and the same shall be included in the general appropriation bill:

\$30 for 5 days' services to Mann Wills, chief clerk.

\$58.56 for mileage (366 miles) to Mann Wills, chief clerk.

\$20 for 5 days' services to W. L. Morris, sergeant-at-arms.

\$15 for 6 days' services to Martin Bufort, porter.

\$15 for 6 days' services to Ned Woods, porter.

Adopted January 4, 1899.

SEID WADDELL,

Speaker of the Senate.

NUMBER 5.

Be it resolved, That the state printer be instructed to print 950 copies of the governor's message for the use of the senate.

Adopted January 5, 1899.

SEID WADDELL,

Speaker of the Senate.

NUMBER 6.

Whereas, It is expected that a large number of people will attend the inaugural of the governor next Monday, from the various localities of the state; also citizens of other states, and the state house will be visited by many who never before visited the same.

Resolved, That the sergeant-at-arms of the senate notify the superintendent of the capitol to have the capitol thoroughly cleaned, especially the senate gallery.

Adopted January 13, 1899.

SEID WADDELL,
Speaker of the Senate.

NUMBER 7.

Be it resolved by the senate of the State of Tennessee, That the speaker is hereby authorized and directed to appoint or designate one of the porters of the senate to remain in the senate chamber during the recess for the purpose of keeping the same in order, looking after mail of members, and performing any other duties necessary to be performed.

Adopted January 25, 1899.

SEID WADDELL,
Speaker of the Senate.

NUMBER 8.

Whereas, A recess will be taken by the general assembly from January 27 to February 21, 1899; and,

Whereas, During such recess it is necessary that the senate have some one to look after the mail of its members, to render services to special committees, and to keep in condition the senate chamber; therefore,

Resolved, That the sergeant-at-arms of the senate shall remain at the capitol during such recess to perform these duties and any other duties that may be properly imposed on him.

Adopted January 27, 1899.

SEID WADDELL,
Speaker of the Senate.

NUMBER 10.

Be it resolved by the senate of Tennessee, That the clerk be, and he is hereby, authorized to prepare a calendar for the use of the senate.

Adopted January 27, 1899.

SEID WADDELL,
Speaker of the Senate.

NUMBER 12.

Be it resolved by the senate, That a special committee of three be appointed by the speaker to investigate the contracts of the board authorized to contract for the printing for the state; they shall a

investigate the accounts of the public printer. This committee shall have power to sit during the recess, send for persons and papers, but shall receive no per diem for their labors, serving alone from patriotic motives and a sense of duty.

Adopted January 28, 1899.

SEID WADDELL,
Speaker of the Senate.

NUMBER 13.

Resolved by the senate of the State of Tennessee, That we have heard with sentiments of profound regret of the death of that noble and true woman, Mrs. Harriet M. Overton, and sincerely mourn her death. In the darkest hours of Tennessee and the south from 1861 to 1865, she was a ministering angel, thousands sharing her unstinted hospitality, and had their hearts warmed and strengthened by her words of encouragement. Her life was a beautiful expression of purity and nobility, and in her personality she afforded the highest type of southern womanhood.

Be it further resolved, That the senate extend to her surviving family its heartfelt sympathy, and that a copy of this resolution, signed by the speaker, be transmitted to the family of the deceased.

Adopted February 23, 1899.

SEID WADDELL,
Speaker of the Senate.

Approved February 24, 1899.

BENTON McMILLIN,
Governor.

NUMBER 14.

Whereas, Charges of the corrupt use of money during the administrations of ex-Governors Taylor and Turney have been made upon this floor;

Be it resolved by the senate, That the senator from Johnson, R. R. Butler, who has repeated these grave charges on this floor, is hereby called upon to disclose to this senate the full facts in connection with the charges so made.

Adopted February 24, 1899.

SEID WADDELL,
Speaker of the Senate.

NUMBER 15.

Be it resolved by the senate, That its porter, James Cochraham, is hereby directed to remain on duty in the senate chamber during the recess, which will begin March 3, instant, to receive and preserve the mail of the members, take care of the chamber, and perform any other duties that may devolve upon him.

Adopted March 1, 1899.

SEID WADDELL,
Speaker of the Senate.

NUMBER 22.

Whereas, The senate has learned with the profound regret of the death upon the 11th of Mrs. R. P. Webb, of Nashville, Tennessee, wife of one of the most highly esteemed and members of the present house of representatives

Be it resolved, That the Hon. R. P. Webb tenderest sympathy of this honorable body in hour of bereavement.

Be it further resolved, That the clerk of the prepare and transmit to the Hon. R. P. Webb of this resolution.

Adopted April 13, 1899.

SEID WADDELL,
Speaker of the Se

NUMBER 23.

Be it resolved, That the selection by the directors of the Tennessee Industrial School of Kirkpatrick, Wilbiforce Gettys, and Whitef Cole as members of the board of directors of stitution, to serve for the term of six years mencing January 15, 1899, be, and is hereby fied and confirmed by the senate of the fi general assembly of the State of Tennessee.

Adopted April 21, 1899.

SEID WADDELL,
Speaker of the Se

NUMBER 30.

“A resolution of thanks extended to Hon. J. C. Hobbs, the efficient and painstaking chairman of the committee on enrolled bills.”

Be it resolved by the Senate of the Fifty-first General Assembly of Tennessee, That we hereby extend to Hon. J. C. Hobbs our most sincere thanks for the able, efficient, and painstaking manner in which he has discharged the duties of his position as chairman of the committee on enrolled bills. While we recognize the fact that his position has been one of self-sacrifice, and arduous and tedious labor, yet no business has been postponed, delayed, or suffered on his account. To him we feel largely indebted for the dispatch of business in our body, and heartily appreciate and commend his valuable service, as well as the wisdom of our honorable speaker in making so worthy a selection.

Adopted April 22, 1899.

SEID WADDELL,
Speaker of the Senate.



HOUSE RESOLI

HOUSE RESOLUTIONS.

NUMBER 1.

Whereas, It has been and is the custom of the senate to elect two pages or assistant sergeant-at-arms; and,

Whereas, The house is a much larger body and needs the services of more than one assistant sergeant-at-arms; now, therefore,

Be it resolved by the house of representatives, That two assistant sergeant-at-arms be elected, who shall receive for their services the sum of two dollars (\$2) per day each.

Adopted January 3, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

NUMBER 2.

Be it resolved by the house of representatives, That the speaker is kindly authorized to appoint two porters to receive two dollars per day each.

Adopted January 4, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

NUMBER 3.

Be it resolved by the house of representatives,
That the superintendent of the capitol be, and he is
hereby, authorized to purchase suitable furniture
and make such repairs as are necessary to make com-
fortable headquarters for our efficient engrossing
clerk, and that the cost of the same be included in the
general appropriation bill.

Adopted January 4, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

NUMBER 4.

Be it resolved by the house of representatives,
That the printing commissioners, composed of the
secretary of state, treasurer, and comptroller, be in-
structed to report to the house as soon as practicable,
in compliance with the acts of 1895, chapter 169.

Adopted January 5, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

NUMBER 5.

Be it resolved by the house of representatives,
That the clerk be directed to prepare a weekly cal-
endar, showing the business of the house, the sta-
tus of all bills and resolutions, by whom introduced, &
the action of the house thereon, and to have sa-
me upon the desk of each member every Monday, be-
ginning Monday, January 16, 1899.

Adopted January 5, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representative

NUMBER 6.

Be it resolved by the House of Representatives of the Fifty-first General Assembly, That the clerk be, and he is hereby, directed to prepare a roster of the officers and members of the use of the senate, house, and state of that two hundred and fifty copies of the printed.

Adopted January 5, 1899.

JOSEPH W. BYRNE
Speaker of the House of Representatives

NUMBER 7.

Be it resolved by the House of Representatives That the speaker be, and is hereby, authorized to appoint a journal clerk, whose duty it shall be to keep the journal of each day's proceedings, and he shall be allowed \$4 per day as compensation, and that same shall be included in the appropriation bill. He shall enter upon his duties when the speaker directs.

Adopted January 5, 1899.

JOSEPH W. BYRNE
Speaker of the House of Representatives

NUMBER 8.

Be it resolved by the House of Representatives That the speaker is hereby authorized to appoint an assistant engrossing clerk, to enter upon his duties in his office whenever the committee on engrossing shall consider an additional clerk necessary.

Adopted January 9, 1899.

JOSEPH W. BYRNE
Speaker of the House of Representatives

NUMBER 11.

Resolved by the House of Representatives of the State of Tennessee, That the sergeant-at-arms be, and is hereby, authorized to draw upon the state treasury for five dollars in cash for each member of the house for the purpose of purchasing postage stamps, which amount the treasurer is hereby authorized to furnish, and that the same be included in the general appropriation bill.

Adopted January 12, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

NUMBER 12.

Be it resolved, That William Steele and Will McCauly be paid the amount of two and a half dollars per day for seven and eight days, respectively, for their services as porters in preparing the hall for the meeting of the general assembly and serving the same, and that the same be included in the general appropriation bill.

Adopted January 5, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

NUMBER 14.

Resolved, That the comptroller be instructed to draw his warrant upon the treasurer for the sum of \$20 for C. H. Cole, sergeant-at-arms for the fiftieth general assembly, for services rendered in having the house prepared for members, and that the same be included in the general appropriation bill.

Adopted January 9, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

NUMBER 15.

Whereas, The drawers to the desks of most of the members of the house of representatives are left unlocked because of the fact that there are no keys; therefore,

Be it resolved by the House of Representatives, That the sergeant-at-arms be, and he is hereby, directed to procure keys and place the same in all the desks of the house, and that the cost of same be included in the general appropriation bill.

Adopted January 9, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

NUMBER 17.

Be it resolved by the House of Representatives, That when the standing committees have been appointed by the speaker, that it shall be the duty of the respective chairman of each committee to notify the various committees by having written on either side of the hall, on a blackboard, the time and place of meeting of each committee at 12 o'clock each day.

Adopted January 9, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

NUMBER 18.

Resolved, That the clerk of the house be, and is hereby, directed to have printed for the use of the house three hundred copies of each bill introduced, except bills of a local character or application; Provided, That no bill shall be printed except such as are requested by the committee having in charge such bills.

Be it further resolved, That bills to be printed must be ratified by the house.

Adopted January 17, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

NUMBER 22.

Be it resolved by the House of Representatives, That the sergeant-at-arms of the house is herewith instructed to secure the names of each member of the house who receives \$5 for stamps, and have the names of said members published in the house journal.

Adopted January 13, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

NUMBER 23.

Be it resolved by the House of Representative the Fifty-first General Assembly of the State of Tennessee, That the sergeant-at-arms be, and is her instructed to pay back into the state treasury portion of the recent appropriation for stamps accepted by the members of the house, taking receipt for the same, and make a written report of action to this house, accompanied by said receipt.
Adopted January 17, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representative

NUMBER 24.

Whereas, The house necessarily has to devote much of its time in the consideration of local private bills; therefore,

Be it resolved, That in the interest of economy the public welfare the house meet on Wednesday night, March 23d, and every Wednesday night each week thereafter until otherwise ordered, for purpose of considering all local and private bill may properly come before the house for its consideration.

Adopted March 14, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representative

NUMBER 27.

Whereas, Several committees which have been appointed to sit during the recess provides that the sergeant-at-arms shall be empowered to summons witnesses, and to perform other duties during the recess; therefore,

Be it resolved by the House of Representatives, That the sergeant-at-arms be, and he is hereby, instructed to remain at the capitol during the recess, and be ready to perform said duties, and to take charge of and care for the mail of the members of the house during said time.

Adopted January 24, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

NUMBER 28.

Whereas, Efficiency, faithfulness, and courtesy in the discharge of duties imposed by official positions deserve the highest commendation; and,

Whereas, Miss Pauline Jones, state librarian, and Miss Lutie Jones, assistant librarian, have efficiently, faithfully, and conscientiously discharged their respective duties to the public for the last two years; and,

Whereas, The reputation of Tennessee ladies for dignity, culture, refinement, modesty, brilliancy, and beauty has been increased by the presence of the two fair and worthy daughters in Tennessee's magnificent library; therefore,

Be it resolved, That the house of representatives herein express our deep sense of appreciation and highest commendation of the official record of M

Pauline Jones and Miss Lutie Jones, librarian and assistant librarian, for the last two years, and also assure them that they are held in the highest esteem by each member of this body.

Adopted January 27, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

NUMBER 31.

Whereas, The question of the annexation of the Philippine Islands is now uppermost in the minds of the American people, and second only in importance to the question of the free coinage of silver at the ratio of 16 to 1, as laid down in the Chicago platform of 1896; and,

Whereas, Being fresh from the people of the state and desiring to voice their sentiments on this question; therefore,

Be it resolved by the House of Representatives of the Fifty-first General Assembly, That we declare in the name of the people of the commonwealth of Tennessee, that we are unalterably opposed to the annexation by the government of the United States of the Philippine Islands, or any other territory in the Eastern Hemisphere, believing as we do that such annexation would be fruitful of entangling alliance and imperialism that would ultimately result in dangerous complications with European and Asiatic governments; And resolved further, That we most heartily indorse the stand taken by Senators Bate and Turley and our representatives in congress on this momentous question, and say to them that they do but voice the sentiment of the masses of the citizen of Tennessee.

Adopted January 25, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

NUMBER 32.

Be it resolved by the House of Representatives of the State of Tennessee, That the sergeant-at-arms be authorized, if in his judgment it be necessary, to retain one of his assistants during the recess of this body to aid said sergeant-at-arms in caring for mail of members and waiting on recess committees that are to be in session at the state capitol during such recess, and said assistant to receive the same compensation that he receives while this body is in session for his services, and that same will be provided for in the general appropriation; and the sergeant-at-arms is directed to divide the time equally between the two assistants.

Adopted January 28, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

NUMBER 34.

Resolved by the House of Representatives,, That we have heard with sentiments of profoundest regret of the death of that noble and true woman, Mrs. Harriet M. Overton, and mourn her death.

In the darkest hours of Tennessee and the South, 1861-65, she was a ministering angel, thousands shared her hospitality and had their hearts strengthened by her words of encouragement. This house extends to her surviving family its sympathy.

Resolved further, That a copy of this resolution signed by the speaker, be transmitted to the family of the deceased.

Adopted February 21, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representative

NUMBER 35.

Whereas, This house has heard with profound sorrow of the death of J. C. Marshall, a brother of our esteemed fellow member, Hon. J. K. P. Marshall, which occurred by railroad accident at Greeneville, Tennessee, on the 21st of February, we hereby extend to the bereaved family, and J. K. P. Marshall specially, our profound sorrow and heartfelt sympathy in this hour of their bereavement.

Adopted February 22, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

NUMBER 38.

Whereas, The water that is furnished the members of this house is more mud than water; therefore,

Be it resolved by the house of representatives, That the sergeant-at-arms be, and is hereby, ordered to purchase two coolers, with filters attached, so that the members of this house may get pure water to drink.

Adopted March 2, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

NUMBER 39.

Whereas, Our associate representative from Humphreys county, the Hon. J. G. Jones, has recently met with great misfortune in the death of his son; therefore,

Be it resolved by the house, That we extend to

NUMBER 47. .

Be it resolved by the house of representatives beginning Wednesday, March 22, and continuing thereafter until end of the regular session of the general assembly, the house shall hold night sessions Wednesday and Friday night of each week for the purpose of considering any and all matters on the calendar of the house; Provided, That on Wednesday nights local matters may be given preference so that when local matters are under consideration the roll shall be called and each member be given time to call up one local bill; And provided further that nothing in this resolution shall prevent the house from holding night sessions on any other nights during the week in case it sees proper to do so.

Passed March 21, 1899.

JOSEPH W. BYRNS
Speaker of the House of Representatives

NUMBER 52.

Be it resolved by the house of representatives That house resolution No. 47, providing for suspension of sessions of the house, be suspended for Friday, March 24, 1899, and that when the house adjourns it stand adjourned until 9 o'clock a.m., March 25, 1899.

Approved March 24, 1899.

JOSEPH W. BYRNS
Speaker of the House of Representatives

NUMBER 55.

Whereas, The session is nearing a close, with a large number of bills upon the calendar; and,

Whereas, The special orders will take up the entire time of the session and leave a large number of bills undisposed of; therefore,

Be it resolved by the house, That this house meet each Monday, Wednesday, and Friday nights hereafter until the calendar is cleared, for the purpose of considering all bills upon the calendar.

Be it further resolved, That at each of said night meetings the roll shall be called, and each member, when his name is called, shall be allowed to call up one bill, which shall be immediately considered.

Adopted April 3, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

NUMBER 57.

Whereas, The house has learned with the most profound regret of the death, upon yesterday, April 11, 1899, of Mrs. R. P. Webb, of Nashville, Tennessee, the wife of the Hon. R. P. Webb, one of the most popular and efficient members of this body; therefore,

Be it resolved by the house of representatives, That the Hon. R. P. Webb has the most sincere and heartfelt sympathy of his fellow-members in this, the hour of his great bereavement.

Be it further resolved, That the speaker is hereby authorized to appoint a committee of eight from the house to attend the funeral of Mrs. Webb, which is to be held in this city.

Be it further resolved, That the clerk of the house have prepared and transmit to Hon. R. P. Webb, a copy of this resolution.

Adopted April 12, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

NUMBER 58.

Be it resolved by the House of Representatives, That the use of the hall of representatives be, and the same is hereby, granted the colored citizens of this state on Wednesday, July 26, 1899, for the purpose of holding a convention, having for its aim the educational, industrial, and political betterment of the colored race in the South.

Adopted April 20, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

NUMBER 60.

Resolved, That the speaker of the house be, and is hereby, empowered and requested to appoint a committee of five members of the house whose duty it shall be to make investigation of the personal difficulty occurring in this house between a member of this house and a citizen, and to report back to this house at 8 o'clock p.m. with such recommendations as such committee may deem proper.

Adopted April 21, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives

NUMBER 61.

Resolved, That the committee appointed by the speaker of the house to investigate the personal difficulty between a member of this house and a citizen be, and they are hereby, empowered to call witnesses before them, and are empowered to send the sergeant-at-arms to summon such witnesses, and said committee shall have full power to take testimony on said case and administer oaths.

Adopted April 21, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.

Senate Bill 174 passed the Senate but was rejected in the House, as appears on House Journal. It was enrolled by mistake and is not effective.

House Bill 911 passed the House but was tabled in the Senate, as appears in Senate Journal. It was enrolled by mistake and is not effective. The above information was furnished this office by Reau E. Folk, Chief Clerk House of Representatives.

WM. S. MORGAN,

Secretary of State.

STATE OF TENNESSEE,
OFFICE OF THE SECRETARY OF STATE, }
NASHVILLE, May 15, 1899.

I, WM. S. MORGAN, Secretary of State of the State of Tennessee, do hereby certify that I have carefully collated the foregoing Acts and Resolutions with original copies on file in my office, and find them correctly printed.

WM. S. MORGAN,

Secretary of State.

FOREIGN CO

FOREIGN

Charters of Foreign Co
Chapter 31, Acts o
1891, Amend
1, 189

Atlanta Milling Co., Atlant
Atlas Assurance Co., Lond
American Benevolent Assoc
American Mutual Indemnity
Appalachian Land & Lumb
American Pipe and Foundr
Atlantic Snuff Co., Camden
Agricultural Insurance Co.,
American Loan & Trust Co.
American Fire Insurance C
Atlanta Dynamite Co., New
Bosley, Buckley & Co., Cinc
Blue Springs Mining Co., T
Birmingham Fertilizer Co.,
Bowling Green Stone Co., I
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Bowman & Pettit Lumber
Baloyse Fire Insurance Co.
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Cumberland Construction C
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Citizens Insurance Co., Mis
Chattanooga, Rome & Colu
Compagnia Generale De P
1897.

Chattanooga Southern Rail
Caledonian American Insur
Climax Road Machine Co.,
Central Phosphate Co., Cha
Case Manufacturing Co., Co
Diamond Transportation C
Florence Wagon Works, Fl
Fulton Cotton Machine Co.,

Park Woolen Mill, Rossville, Ga., Dec. 24, 1898.
Pittsburg Refining Co., Pittsburg, Pa., Oct. 10, 1898.
Providence-Washington-Insurance Co., Rhode Island, Aug. 22, 1898.
Prudential Insurance Co., New Jersey, April 3, 1897.
Postal-Telegraph-Cable Co., New York, May 4, 1897.
Price, L. B. Merchantile Co., Kansas City, Mo., April 3, 1898.
Royal Exchange Assurance Co., London, Oct. 18, 1898.
Read Phosphate Co., Nashville, Tenn., July 17, 1898.
Royal Union Mutual Life Insurance Co., Des Moines, Iowa, April 25, 1898.
Reelfoot Outing Club, Louisville, Ky., March 28, 1898.
Reponno Chemical Co., Wilmington, Del., July 19, 1897.
Supreme Lodge Knights of Pythias, Washington, D. C., Jan. 14, 1899.
Sun Insurance Co., New Orleans, La., Jan. 5, 1898.
Southern Chemical Co., N. C., Dec. 29, 1898.
Southern Mutual Investment Co., Kentucky, July 11, 1898.
Swift & Co., Chicago, Ill., May 27, 1898.
Sterling Mfg. Co., Sterling, Ill., Oct. 23, 1897.
Tennessee Planters Co., N. Y., Sept. 16, 1898.
Tontine Loan and Security Co., Sedalia, Mo., April 21, 1899.
Traders' Fire Insurance Co., N. Y., March 3, 1898.
Turner, Day & Wolworth Mfg. Co., Louisville, Ky., June 27, 1898.
Thuringia Insurance Co., Germany, Aug. 2, 1897.
Tontine Loan & Security Co., Dallas, Texas, Aug. 2, 1897.
U. S. Mortgage and Trust Co., N. Y., July 25, 1898.
U. S. Fidelity Guaranty Co., Baltimore, Md., April 22, 1898.
Uptergrove & Bros., N. Y., Nov. 7, 1898.
West Point Mining Co., Florence, Ala., Jan. 17, 1899.
Weis & Lesh Mfg. Co., Indiana, May 10, 1898.
Ward Kent Co., Michigan, Dec. 2, 1898.
Windisch Mahlhouser Brewing Co., Cincinnati, O., Aug. 6, 1897.
Whiting Lumber Co., N. C., May 13, 1897.

State Corpora

CORPORATIONS

*Organized under Chapter 143, Acts of 1875, known as the
"Charter Act," and Acts amendatory, published herein
by direction of Section 30 of said Act, from
April, 1897, to March 31, 1899, inclusive.*

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| Abernathy, E. C. Dry Goods Co..... | Giles..... | Feb. 10, 1898 | O 2 | 124 |
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| American Dynamo Engine and Motor Lamp Co..... | Shelby..... | Jan. 8, 1898 | U 3 | 204 |
| American Fraternal Society..... | Davidson .. | Dec. 8, 1898 | O O | 293 |
| American Handle Co..... | Knox | July 21, 1898 | J 3 | 36 |
| American Harness Co..... | Knox | Jan. 12, 1899 | U 3 | 264 |
| American Jellico Coal & Coke Co.... | Knox | May 11, 1897 | J 2 | 229 |
| American Manufacturing Co..... | Hamilton .. | Oct. 8, 1898 | J 3 | 58 |
| American Marble Co..... | Knox | June 17, 1898 | J 3 | 30 |
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| Bond Cotton Co..... | Shelby..... | Jan. 8, 1898 | J 2 | 290 |
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| Chattanooga Roofing & Paving Co. | Hamilton .. | Dec. 2, 1897 | J 2 | 2 |
| Chattanooga Wagon Co.—amendment | Hamilton .. | Sep. 24, 1898 | P 2 | 1 |
| Chattanooga Wheelbarrow Co. | Hamilton .. | Jan. 6, 1899 | J 3 | |
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| Chattanooga & Lookout Mountain Railroad Co. | Hamilton .. | Aug. 23, 1897 | S 8 | |
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| Chickasaw Real Estate Co. | Shelby | Mar. 17, 1898 | O O | 2 |
| Chickasaw Real Estate Co.—amendm't | Shelby | Apr. 5, 1898 | P 2 | 1 |
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| Clear Fork Lumber Co. | Scott | Aug. 2, 1897 | J 2 | 2 |
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